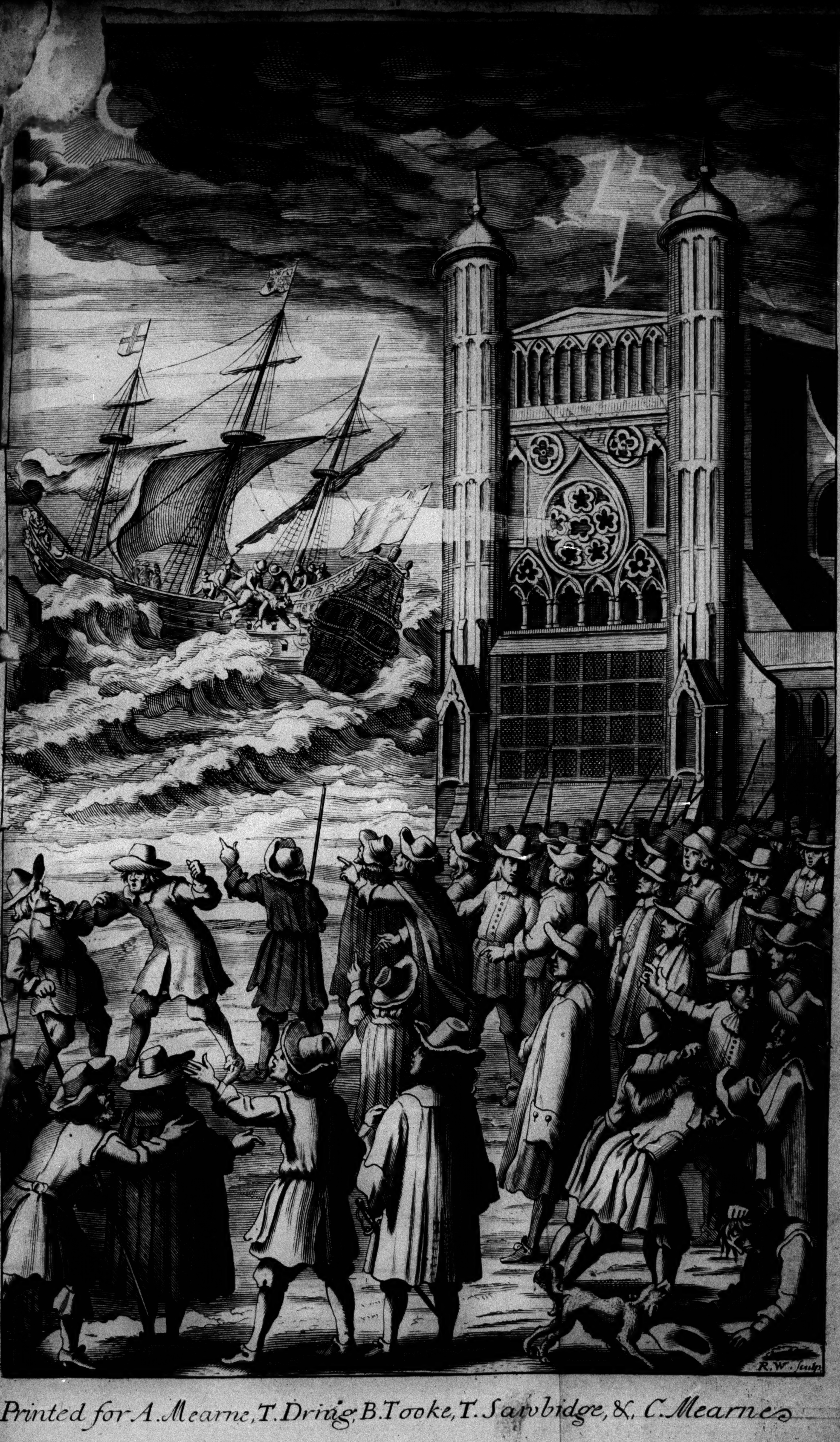
The Meaning of the Frontiſpiece.

THUS black look't Heav'n, the Lightning thus did fly;
Thus th'*Hurricane* o'reſpred the *Britiſh* Sky,
The Sun in mourning clad, thus hid his Face,
While the Plebeïan Starrs uſurp't his place:
When th' *Royal Sovereign* weather-beaten lay
On the proud Billows of the popular Sea;
Her Rudder loſt, her Main-Maſt beaten down,
Her Tackling torn, and Mariners deſperate grown;
The *Captain* from his Cabin driv'n away
In that for ever execrable Day,
(A day confounding as the Day of Doome,
When none ſhall know what is, or is to come,)
By Storms and ſtreſs of Weather was He toſt
Upon *His* Native, diſ-ingenious Coaſt:
Well might *He* hope for Sanctuary there,
Where He had plac'd His Kindneſs, and His Care;
Well might *He* think th'Inhabitants his own,
To whom ſo much Indulgence He had ſhown:
But, ſee the temper of the barbarous Croud,
(Whom nothing ſatisfy's but Spoil, and Bloud:)
They paid no reverence to their natural Lord,
None to *His great Liev'tenant* did afford,
But laugh't to ſee *Him* hoiſted overboard.
God's goods they call'd the diſmal Wreck they ſaw,
And vouch't their Pyracy by an Heav'nly Law.
Monſters of men! —— as if the Pow'rs above
Permitted nought, but what they did approve.
From that adjacent HOUSE, behold the cauſe
Of all this Tempeſt, whence perverted Lawes,
Unpreſidented, undetermin'd Power
Blaſted our Hopes, and did our Land devour,
A Land like that of *Canaan* heretofore,
Till by mad Zeal into Confuſion hurl'd,
'Twas made the Scorn, and By-word of the World.



Printed for A. Mearne, T. Dring, B. Tooke, T. Sawbidge, & C. Mearne

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AN Impartial Collection OF THE Great Affairs of State,

From the Beginning of the
SCOTCH REBELLION
In the Year MDCXXXIX.

To the Murther OF King CHARLES I.

WHEREIN
The firſt Occaſions, and the whole Series of the late Troubles
IN
England, Scotland, & Ireland,
Are faithfully Repreſented.
Taken from Authentick Records, and Methodically Digeſted,

By *JOHN NALSON*, LL. D.

VOL. II.

Publiſhed by His Majeſtie's Special Command.

LONDON,
Printed for *A. Mearne, T. Dring, B. Tooke, T. Sawbridge*,
and *C. Mearne*, MDCLXXXIII.

TO HIS MOST

Serene and Excellent

MAJESTY,

King Charles, II.

GREAT SIR,

AS *Your Majeſties Gracious Incouragement gave the firſt Life and Being to this Work, ſo it naturally in all humble Duty addreſſes it ſelf, for Protection under the Wing of Your Favour and Royal Mercy, which Your Majeſty ſo juſtly challenges, as a Virtue more peculiarly Eminent and Conſpicuous in your whole Life, then in any of Your Illuſtrious Predeceſſors: It is Neceſſity and not Preſumption, which obliges the Author to Proſtrate himſelf and this Book at Your Royal Feet; For though the whole World can ſhew nothing ſo Harmleſs and Innocent as Truth, yet is ſhe not able to defend her ſelf from her conſtant Enemies, Malice, Error, and ill Deſigns; nor knows ſhe whither to flie for a ſecure Refuge, but to the Sanctuary, of the Great Defender of the Faith; to which the nearneſs of her Relation, raiſes in her a comfortable hope that ſhe ſhall participate of the ſame Royal Protection.*

There are ſome Perſons whoſe Intereſt it is to lie behind the Curtain even in the preſent Age, and who therefore cannot with patience bear the drawing of it, ſo as to let in the light into that which is paſt; leſt by comparing former Occurrences, the Temper, Inclinations, Principles and Movements of thoſe Times, there ſhould be diſcovered ſo near a Reſemblance between the Lineaments and Proportions of the paſt and preſent, as to be too convincing that there is no greater difference then between the elder and the younger Brother of the ſame Parents, Rebellion *and the* Good Old Cauſe. *Nor is it ſtrange to ſee ſome ſort of People very angry with the hand, which preſents them with a Glaſs wherein they may ſee the Exact and true Image of* Rebellion *and* Sedition, *when they can no ſooner look into it but they find their own Faces there. But it would be not only a Wonder, but a Miracle, if they ſhould not ſhew their Reſentments againſt both the Workman and his Work, and by indeavouring to hurt his, to ſecure their own Reputation.*

But Your Majeſties Grace and Favour is ſuch an Amulet *againſt the Poyſon of the moſt* Malignant Faction, *as is able to ſecure the happy Perſons upon whom it is beſtowed, from the Infection of the moſt Malicious Breath, and Venemous Tongues; and in the Hopes of this, the Author does with all humility preſent Your Majeſty with the firſt opening of the Scene of that Deplorable Tragedy wherein Your Glorious Father had ſo large a ſhare of Suffering; there Your Majeſty may ſee the ſeveral Steps and Progreſſive Advances which thoſe Artiſts in* Rebellion *and* Uſurpation, *made towards the accompliſhment of their Great Deſign of overthrowing the beſt Monarchy, and*

Extirpating the moſt Apoſtolical Church in the whole World. Here may Your Majeſty take a view, of the moſt ſupple Flattery, and deep Hypocriſy of a Confederated Faction, *and how* Rebellion, *to make the People in Love with her, was repreſented to them in the Maſquerading Habit and Accoutrements of Religion and Reformation; how Slavery and Tyranny, thoſe two dreadful Monſters, walk'd in the borrowed Equipage of the Liberty of the Subject, and the Fundamental Laws, and Birthrights of the People; and how under the Mantle of Redreſſing Grievances, the Nation came to labour under the greateſt Grievance, that ever the Necks of the Generous* Engliſh *Submitted to, even the Miſchief which they pretended to fear, abſolute Tyranny, and the moſt Arbitrary Government of an Uſurping* Faction.

Here Your Majeſty may ſee the true Picture of the Men of thoſe Principles and Times, drawn from the Life by their own hands, and in their proper and natural Colours; and not only their outward Air, Mine and Garb, but the Picture of their very Souls, their Thoughts, Aims, Contrivances, and moſt Secret Deſigns, and the black Concluſion, at which all theſe were levell'd, over which they ſo Induſtriouſly drew the fair Vails and Curtains, of Sanctimony and pretended Loyalty, ſeeming Humility, and counterfeit Allegiance: Your Majeſty may be conducted into thoſe Mines *of* Sedition, *unreaſonable Fears, groundleſs and unſatisfiable Jealouſies, of the Dangers of* Popery *and* Arbitrary Government, *the very Powder which blew up the Foundations both of Church and State; Your Majeſty may ſee their Principal Engines of Battery, amongſt which, the Liberty of the Preſs, and, I Bluſh to name it, the Licentious abuſe of the*

Pulpit, were not the leaſt, or did the moſt Inconſiderable Execution towards the Ruin of the Government.

I ſhall not preſume to ſay more, but humbly Proſtrate my ſelf at Your Majeſties Feet, to beg the Liberty to add my moſt ſervent Prayers and Wiſhes, to my Sincere indeavours of Serving Your Majeſty with my utmoſt Power: May there be an Emulous Strife between the Number, and the Glory, of Your Majeſties Years: May the conſtant Care of Heaven, and the Watchful attendance of its Glorious Militia, ſtill Guard Your beloved Life, againſt all the Wicked attempts, of the Enemies of Your Perſon and Government: May every day that is added to Your Sacred Life, contribute freſh Acceſſions of Happineſs and Proſperity, Peace and Tranquility to Your Auſpicious Reign; May You Triumph in the Hearts and Affections of Your People, and over the Heads of Your defeated Enemies: And could my Prayers, Wiſhes or Indeavours prove as Succeſsful as they are Sincere, Your Majeſty ſhould not have one Subject in all Your Dominions, leſs Zealous of Your Majeſties Service, ſenſible of their Duty and Intereſt, or ſtudious of Expreſſing their humble Loyalty, then the Perſon who has placed all his Ambition and Glory, in Indavouring to approve himſelf,

May it pleaſe Your Moſt Sacred Majeſty,

Your Majeſties moſt Humble, moſt

Obedient, and Intirely Devoted Subject,

NALSON.

The Introduction.

THERE is certainly no manner of Diverſion of which Wiſe and Great Men, who indeavour to be really Serviceable to the true Intereſt of their Prince and Country, can make more conſiderable Advantages, or more agreeably ſpend their Leiſure Minutes, then in taking a true Proſpect and Exact Survey, of the Tranſactions and Events of former Times: And of all the Hiſtorical Landſcapes which have been delineated to the Life, by the Exacteſt Hands of the moſt able Maſters, thoſe which repreſent the violent Tempeſts of State, and the dreadful Shipwracks of Kingdoms and Governments, afford the moſt profitable Entertainment; The Glorious days of Peace ſlide Eaſily, and without Noiſe, down the Stream of Time, into the Immenſe Ocean of Eternity, and leave behind them very few Traces of any thing uncommon or Extraordinary, more then the Remembrance of their happineſs, and the Emulous Wiſhes of Poſterity, to ſee the return of ſuch Golden Ages: But the ſullen and lowring Times of Commotions and Diſorders, the dreadful Inundations of Popular Fury, the Diſmal Events of Civil Rage, Unnatural Rebellions, and unexampled Revolutions, produce ſuch infinite variety of ſtrange Actions and Prodigious Occurrences, as muſt of neceſſity bring both the Temptations of Pleaſure and Advantage, to entertain the Curious, and to recompence the Induſtrious.

Time is a Magnificent Structure upon which every Age ſtill builds ſomething higher; and from the lofty Battlements of this growing Pile, every Age has the opportunity of the vaſt Proſpect upon the two Immenſe Tracts, of paſt and future; and by comparing the ſeveral Events of diſtant Times, thoſe of the Preſent are enabled to employ themſelves, in a very neceſſary, comendable and advantageous Curioſity and Reſearch, into the Cauſes and Effects, the Methods and Movements, the curious Artifices, and cunning Intrigues, the outward Pretenſions and the inward Deſigns, which produced ſuch remarkable Alterations of Humane Affairs, and ſuch wondrous Turns and Changes in Laws, Religion and Government; and from thence not only to make probable and Rational Conjectures of what is paſt, but to draw prudent, neceſſary and uſeful Deductions and Inferences, and to prepare ſuitable Antidotes, and Precautions, againſt the like dangerous Diſtempers of the Body-Politick for the Future; ſince nothing carries more clear Evidence and Demonſtration along with it, then this Aphoriſme, which has been juſtified by a thouſand Inſtances and Precedents of moſt undeniable Matter of Fact. *That all the Great Changes which have been made in the World by the Violent Methods of Commotions, Seditions, and Rebellion, have ever been mannaged and Carried on by the Specious and Deluding Pretenſions of Liberty of the People, Redreſs of Grievances, and Reformation*

mation either of the Civil or Religious Frame of Government. And that it is no leſs certain; *That the ſame Arts, Principles, and Methods, which have been ſo Succeſsful in former Ages, to accompliſh the moſt wicked and infamous Enterprizes; muſt neceſſarily lead Men to the ſame Deſigns, and naturally, and unavoidably terminate and Centre in the ſame Ends, unleſs prevented by the timely Application of Suitable and Effectual Remedies.* And ſince nothing contributes more certainly to the Cure of a Diſtemper, then the certain knowledg of the Nature and Cauſes of the Diſeaſe, and that no Method can be more accomodate to the gaining that neceſſary knowledg, then the Underſtanding of the true Symptoms, and infallible Diagnoſticks, which are always the fore-runners of the Indiſpoſitions in the Body-Politique, there can be nothing found more conducing to the attaining this neceſſary and uſeful Art, then for ſuch Perſons whoſe Birth, Quality, Station, or Ability, muſt certainly command their Service in the Affairs of their Prince and Country, throughly to Underſtand the Nature and Circumſtances of ſuch Men and Times, Actions and Events, as have formerly been the moſt conſiderable of their Age.

There is nothing generally more inviting and agreeable to the very Genius and Inclinations of humane Nature then variety; and conſequently nothing that affords a more ſatisfactory Pleaſure; inſomuch, that not only thoſe gay and ſplendid Scenes of Peace and Tranquility which have Crowned the Smiling Brows of ſome happy Ages of the World, but even the more Cloudy and Tempeſtuous, Turbulent and Tragical Acts, which have had their Turn upon the Stage, preſent a delightful and pleaſing conſideration, either that they have had the happineſs not to have been then in being when thoſe miſerable Revolutions happened, or to ſuch as were, to have ſurvived the fury of the Storm, and the common Shipwrack.

And certainly among all the Famous Revolutions which have happened in the World, no Age or Story is able to parallel thoſe dreadful Overturnings which happened in theſe Nations of *England*, *Scotland* and *Ireland*. Never was any Time ſtored with ſtranger Events, or any Events accompanied with Circumſtances more Dreadful and Surprizing; Never was any Tragedy Acted more Barbarouſly, or in leſs time; the Raging Flames of Civil Diſſention were violently fann'd with the furious Blaſts of a Whirlwind of Faction, and to that Extremity, that ſuch incredible things were Acted in ſo ſhort a ſpace, ſo many ſharp encounters and Bloody Battels, ſo many places before the Wars pleaſant as the Garden of God, turned into perfect Deſart and Wilderneſs, ſtately Houſes into Ruinous heaps; and in ſhort, the whole Frame of the Government and the Face of Affairs both Civil and Religious, ſo wholly altered and deſtroyed, that it ſeems abſolutely neceſſary to confirm the truth of them, from Unqueſtionable Monuments, and Authentique Records and Remains of thoſe Perſons and Times, leſt Poſterity ſhould be apt to ſuſpect ſuch incredible Relations, as coming nearer to Fiction and Romance then Reality.

The Seeds of Diſcontent and Jealouſie, which were now ripened into this miſerable Harveſt of a moſt Violent Rebellion, had been long Sown and induſtriouſly Cultivated between the Prince and the People, by ſome Zealous pretenders to a Publick Spirit, whoſe reſtleſs induſtry was continually imployed, to ſet up the Popular Pretence of Liberty, againſt the Royal Prerogative, and of Reformation and Piety and Religion, againſt the Eſtabliſhed Order and Government in the Church. This Fiery Spirit began to appear and to be very Turbulent in the days of Queen *Elizabeth;* and ſo Formidable and Numerous was the Party then grown, that that Princeſs, who is wont to be Magnified by the preſent State and Church Diſſenters of our time, with ſuch high Elogies and Encomiums, found her ſelf under the abſolute neceſſity of repreſſing their Inſolencies, by the ſeverity of Laws, and the putting the Laws in Execution; as is evident by that Statute of the 35th. of *Eliz.* Enacted, as the words of the Statute Expreſly declare, *againſt Seditious Sectaries, and to retain the Queens Subjects in their due Obedience.* This ſharp procedure of the Queens, who now found by Experience that the Crown was beſet by two dangerous, though oppoſite Factions, of *Papiſts*, and as they were then ſtiled *Puritans*, did for the Remainder of her Reign Extremely cool the Courage of the Party, and Retard their Deſigns; for ſhe found by Experience, that their temper was ſuch as was Manageable by Legal Severities, but inſolent, daring, and unſatisfiable, by Connivence, Indulgence, and ſlackning of the Reigns of Government. But this ſort of People who are wont to Supply what they want of the Innocence of the Dove by the Subtilty of the Serpent; finding the Laws too Powerful to be oppoſed by open Violence, betook themſelves to their uſual Crafts and Artifices of working under ground, and Proſelyting as many as they could, eſpecially of the Nobility and Gentry, to their Perſwaſions in Religion and Politicks: and by the Witch-craft of thoſe fair Pretences which they conſtantly made to auſterity of Life; Zeal for the Purity of Religion, the Liberty of the Subject, and eſpecially an Extreme horror and Deteſtation of *Popery*, to which upon all occaſions, both Publick and Private they Inſinuated the great inclinableneſs which the Soveraign Power in the Civil Government, and the Church, by reaſon of the too near Affinity of the Hierarchy and Liturgy to the *Romiſh* way, had to be reconciled and reunited to that Church; they Poiſoned the minds, not only of the Eaſy Vulgar, but of many of the Principal Nobility and Gentry; and by miſrepreſenting all the Occurences of State as having a Bias and Tendency towards *Popery*, and Exalting the Prerogative beyond its Bounds and Limits; they inſenſibly Stole their Loyal and Dutiful Affections from the Crown, and their warm Zeal and Piety from the Church.

I ſhall not need to deſcend to particulars upon this Subject, though I think it a matter of that Importance to the ſervice of the Publick, that is capable of excuſing Tautology, and a Theme which will bear Repetition, without being cenſured as vain; but I ſhall rather refer the Reader to what is ſaid in the Introduction to the firſt Volume to this Purpoſe, leſt I might diſguſt ſome tender Palates by ſerving up a Cold *Crambe*, and thereby give my ſelf the diſappointment of my chief Deſign, which is at once to give the Readers pleaſure and advantage.

It ſhall ſuffice therefore to ſay, that the ſame Spirit of Faction, Popularity, Diſcontent and Ambition ſtill increaſed during all the Bleſſed and Peaceable Reign of King *James*; and the Commotions in *Scotland* having given the Faction a clear Diſcovery and Eſtimate of their Intereſt, Strength and Numbers, and of the Weakneſs of the Government, the Revenue of the Crown being ſo Diſproportionate to the Expences unavoidably neceſſary to maintain and ſupport the Charge and Dignity of the Government; the Faction laid hold of this opportunity to bring their long Deſigned and Endeavoured Work, as they termed it, of Reformation, to a Period.

It may be remembred how the *Scottiſh* Rebellion inſtead of coming to the deciſion of the Sword, according to the Opinion of the Wiſe Earl of *Strafford*, had been ended by a Treaty, which was ſucceeded by the calling of the Fatal Parliament of *November* 3, 1640. The Commons Houſe of this Parliament was compoſed of ſuch Perſons, as had manifeſted their great averſion to the King and his Government, and who finding the King Extremely preſſed by the neceſſity of his Affairs, and under the uneaſie burden of great Debts, contracted both formerly, and by the two Expeditions againſt the *Scots*, they now Reſolved to make a Virtue for their own Affairs of His Majeſties Neceſſity. And moſt of the Principal and Leading Men of the Faction, knowing their preceding Actions ſuch as rendred them obnoxious to Juſtice, according to the Obſervation of the Hiſtorian, *Pœnâ & calamitate publicâ ſibi impunitatem ſpondent*; They ſought their own private Security, though at the Expence and even Ruine of the Publique Peace.

And certainly, as the ſucceeding Revolution had been long under Deliberation, the Difficulties which the Faction ſaw they were to Encounter, in compaſſing the alteration of Government both Civil and Eccleſiaſtical, made them extremely cautious in the Management of their Affairs; and their oppoſition to the Government having made them great Maſters in all the Arts of Popularity, and underſtanding the Temper and Genius of the Times, they proceeded by all the Regular ſteps of Cunning and Artifice, towards the Accompliſhment of their great Deſign. And therefore before they came to Extremities, they not only fortified themſelves, with the Power of a Numerous and Tumultuous Party, but by the moſt Solemn Profeſſions of Duty and Loyalty, with which all their Petitions and Remonſtrances were guilded over, by promiſes to Eſtabliſh and Augment the Royal Revenue, and make his Majeſty the moſt Glorious and Potent Prince of *Europe*, they not only deceived many of the Real Friends of the King and Monarchy, but perſwaded His Majeſty to ſuch Compliances and Conceſſions, as in concluſion they moſt wickedly miſ-employed to his Ruin and Deſtruction. Never did any of his Royal Predeceſſors beſtow a favour of ſuch dangerous Latitude upon their Subjects as the Bill for making the Parliament perpetual, by putting it out of his Power to Diſſolve them without their own conſent; and never did any Subjects ſtretch ſuch an unpreſidented Grace and Liberty more to the Prejudice and utter Ruine of a moſt Indulgent Prince. And it is eaſily obſervable, That after the Faction had got this Flower out of the Crown, they drove on amain towards the great End of their Work, which was as the *Scots* had done before, to new Model the Government of the Church, and by the Democratick Form of Presbytery in the Eccleſiaſtical, to Level the Way towards the ſame in the Civil State; for they were now already a *Venetian* Senate, and reſolved to clip the Wings of Monarchy to that degree, as to bring down the Soveraignty, into a little kind of Dukedom, or Stat-holders Authority, which they might either manage at their pleaſure, or reject at their diſcretion.

And this Deſign was no more then what was long before obſerved to be in the Intentions of the Faction, and too truly predicted by the incomparable Dr. *Laud* Arch-Biſhop of *Canterbury*, in a Sermon Preached *Feb.* 6th 1625, at the opening of the Parliament.

Arch-Biſhop *Lauds* Sermon upon *Pſal.* 123. *v.* 3, 4, 5.

And one thing more, ſaith that judicious Prelate, *I'le be bold to ſpeak out of a like Duty to the Church of* England, *and the Houſe of* David; *They, whoever they be, that would overthrow* Sedes Eccleſiæ, *the Seats of Eccleſiaſtical Judgment, will not ſpare, if ever they get Power, to have a pluck at the Throne of* David: *And there is not a Man that is for Parity, all fellows in the Church, but he is againſt Monarchy in the State: And certainly, either he is but half headed to his own Principles, or he can be but half hearted to the Houſe of* David. And how exactly he hit the Truth in his Conjecture the Event did moſt Tragically juſtifie.

But ſtill the Power of the Sword, the Militia of the Nation, hung terribly, as they thought by the ſingle hair of the Kings Authority, over their heads; and their fears of a future account, if ever their Soveraignty ſhould come to a Period, and the ſuſpicion that this Gordian-knot which they had ſo ſtrongly woven, though it could be no other way untied, might yet be looſed by *Alexander's* Method, made them extremely Sollicitous, to wreſt that Power out of the hands of the King. And to effect this, all thoſe Plots and Contrivances which the Reader will meet with in the enſuing Collections, ſome of which are manifeſtly detected to be Falſe, Forged, and Ridiculous, were with the utmoſt Induſtry improved and magnified, to run the People headlong into Tumults, Mutinies and Rebellion: There was the Plot of the Army againſt the Parliament; the Plot againſt *Pym* by ſending him an infected Plaiſter in a Letter, the Plot in *Scotland* againſt *Hamilton* and *Arguile*, which was to beget another of the ſame Nature in *England*; *Beal* the Taylor's Plot of 104 Men, who for 40 *s.* apiece for the Commons, and 10 *l.* for Lords, were to kill juſt ſo many of the Lords and Commons to a Man; there was the Plot diſcovered in a Letter to Mr. *Bridgman*; information of *French*, *Spaniſh*, and *Daniſh* Plots, beſides the great Plot of the Papiſts and Biſhops to bring in Popery, and the King and his Evil Councellors, to deſtroy Priviledges and Parliaments, and to fire the City, and cut the Throats of the Citizens.

Now all theſe Plots Centred in this one Point, that the Kingdom being in ſuch extreme Danger, not only from Foreign Enemies, but Domeſtique, the People could have no manner of Security for their Lives, Liberties, Eſtates or Religion, unleſs the King would truſt the Parliament with the Power of the Sword, the Militia of the Kingdom, the Navy, Forts, Garriſons, Caſtles, Magazines and Stores, and more eſpecially the Tower of *London*, and the Towns of *Portſmouth* and *Kingſton* upon *Hull*; that ſo by their Order and Appointment ſuch Perſons as His Majeſty thought fit to beſtow thoſe Truſts upon might be diſplaced, and ſuch as the Parliament could confide in, the Creatures of the Faction, might have thoſe important Truſts and Charges conferred upon them.

Whilſt the People, continually amuſed and alarm'd with theſe apprehenſions of Danger, which the Faction perſwaded them threatned them from every quarter of the Heavens, were blown up into an Univerſal Ferment of deſperate Fears and incurable Jealouſies; the Horrid Rebellion in *Ireland* broke out, which gave ſuch Countenance and Colour to all the former, though never ſo fictitious Rumors of Plots and Conſpiracies, that the Nation was all in a Flame, and under the moſt dreadful Apprehenſions, that the very ſame Deſign was laid for the Ruin and Deſtruction of *England*, which gave the Faction all the Confidence and opportunity they could have wiſhed or deſired, to ſeize upon the Militia by force, which they could not by perſwaſions obtain from the King, who now evidently ſaw, where all their fine Pretenſions to Loyalty and Duty would moſt certainly Terminate. And ſo reſolutely were they bent upon this Uſurpation, that they permitted the Rebellion in *Ireland*, for want of timely Supplies of Men and Money to ſuppreſs it, to grow to that formidable height, as to put *England* to the vaſt Expence of Blood and Treaſure, which it did afterwards by the neglecting to extinguiſh this fire upon its firſt Eruption.

Nor was this the only Uſe which the Faction in the Two Houſes in *England* made of this Rebellion in *Ireland*. For when afterwards they came to break out into a Rebellion themſelves, certainly not leſs horrible and deteſtable, ſince they pretended to be acted by a Religion which hitherto had decried Popery upon the very ſcore of allowing Principles of Rebellion, depoſing and murthering Lawful Princes, the Parliament in their Papers, Anſwers and Declarations, ſecretly reflected upon the King; and by their impudent Agents and Emiſſaries, and the allowed Scriblers and News-Printers, the very Peſts of the Age, openly publiſhed, that the Rebellion in *Ireland* began by his knowledge and connivance, and by that means they laid all thoſe Maſſacres and Murthers which were there moſt barbarouſly committed, at His Majeſties door, and by heightning the Infamous actions of the Rebells there, with the moſt aggravating Circumſtances of Inhumanity and Cruelty, whilſt they ſecretly inſinuated the King to be concerned in them, they certainly robbed him of the Hearts and Hands, the Allegiance and Affections of his Subjects.

I cannot therefore but eſteem it a Duty which common humanity challenges from all mankind, to indeavour the vindication of the injured and oppreſſed; but I look upon my ſelf as under the ſevereſt Obligations of Chriſtianity, Conſcience, Truth and Juſtice, to clear the Reputation of this Royal Sufferer, from the horrible Detractions, Slanders, and Calumnies, with which thoſe brutiſh Rebels did not only blemiſh his Life and Actions, but have moſt barbarouſly perſecuted his Innocent Memory, indeavouring therefore to make him appear Criminal, that their hands which were died in his Sacred Blood might appear leſs Guilty. And I ſhall eſteem it a very ſingular Honor, and the greateſt Glory of my life, that Providence has given me the opportunity to be in ſome meaſure Inſtrumental toward the fulfilling of that prophetick Paſſage in his incomparable Book, where he hath theſe words concerning the Jealouſies raiſed, and Scandals caſt upon him by his Enemies.

Εἰκὼν Βασιλικὴ cap. 15.

For Mine Honour, I am well aſſured, that as Mine Innocency is clear before God in point of any Calumnies they Object; ſo My Reputation ſhall like the Sun (after Owles and Bats have had their freedom in the Night and darker times) riſe, and recover it ſelf to ſuch a Degree of Splendor, as thoſe Feral Birds ſhall be grieved to behold, and unable to bear; for never were any Princes more Glorious then thoſe whom God hath ſuffered to be tried in the Fornace of Afflictions by their injurious Subjects.

I am very ſenſible, that in purſuing the Hiſtorical Account of the *Iriſh* Rebellion, I ſhall have the management of a very difficult Province, there being a ſort of People, who think there can be no Hyperbolies in aggravating the blackneſs of the *Iriſh* Rebellion, though at the ſame time they think every little reflection too hard and ſharp, that touches upon the *Engliſh* Rebellion. And if a Writer cannot deveſt himſelf not only of the Humanity of a juſt and generous Heathen, but of the Charity of a good Chriſtian, he ſhall be purſued with the odious Reproaches of a Favourer of Popery; and therefore I muſt avow my Reſolution to be honeſtly to follow the Conduct of Truth, without the leaſt declining on any hand to the beſt of my Underſtanding and Information; and in order to that Procedure, though I think, and upon all occaſions ſhall indeavour to make it appear, that the Rebellion of the *Iriſh* was a moſt Horrid and Treaſonable Defection from their Duty and Loyalty, and carried on with moſt barbarous and unexampled Cruelty; yet I ſhall not exactly follow the ſteps of ſome other Pens, who have undertaken to give an account of the Tranſaction of the Affairs of that time; ſince to me it is evident that they have not dealt fairly, neither with the King nor Loyal Party, nor indeed with Truth her ſelf; but have concealed ſome things and palliated others, which in Juſtice they ought not to have done; and whatever opinion others may have of ſuch half-faced Hiſtorians, I cannot conceive but that even the Cauſe of Proteſtancy which theſe Perſons pretend ſo much to Patronize, does extremely ſuffer by their manifeſt Partiality.

There is not any one particular which hath been Exaggerated with more vehemence then the Cruelty of the Rebels, by Sir *John Temple*, Dr. *Borlaſe*, and others; and doubtleſs their Cruelty was ſtrange and barbarous; but then on the other ſide there is not the leaſt mention of any Cruelty exerciſed upon the *Iriſh*, or of the hard meaſure they received from ſome of the Board in *Ireland*, who were of the Parliamentarian Faction, and *Scottiſh* Religion, which rendred them deſperate, and made the Rebellion Univerſal; they take no notice of the Severities of the Provoſt Martials, nor of the Barbariſm of the Soldiers to the *Iriſh*, which was ſuch, that I have heard a Relation of my own, who was a Captain in that Service, Relate, that no manner of Compaſſion or Diſcrimination was ſhewed either to Age or Sex, but that the little Children were promiſcuouſly Sufferers with the Guilty, and that if any who had ſome grains of Compaſſion reprehended the Soldiers for this unchriſtian Inhumanity, they would ſcoffingly reply, *Why? Nits will be Lice*, and ſo would diſpatch them: And certainly as to acknowledge an undeniable Truth, does in no manner Excuſe the barbarous Cruelty of the Rebels; ſo to deny or ſmother Matters of Fact, ſo eaſily to be proved, even by many Proteſtants ſtill alive, has given the Papiſts the advantage to bring into Queſtion, eſpecially in Foreign Courts and Countries, the truth of all thoſe inhumane Cruelties which are charged upon them by ſuch Writers as are found Guilty of ſuch manifeſt Partiality.

It is moſt evident that the Lords Juſtices, *Parſons* and *Borlaſe*, did by their Authority Command many things, which did not only Exaſperate but render the *Iriſh* Deſperate, as will appear by ſeveral of their own Letters, and publick Acts of State; and that in the firſt Eruption of the Rebellion, they had a greater Eye to the Forfeitures of the Rebels Eſtates, then to uſe ſuch means as might by the hopes of Pardon induce the better ſort of the Nobility, Gentry, and Freeholders to hear Reaſon, and to come in and ſubmit themſelves to His Majeſties mercy, though they had expreſs direction from the King and the Two Houſes ſo to do; and it is no leſs notorious, that Sir *John Temple* in writing

writing his Hiſtory was bound by Confederacy to aſſert the proceedings of the then Lords Juſtices: and I cannot find him high in Reputation with the prevailing Uſurpers of the Parliamentarian Faction, and by them impowered as a Commiſſioner to impoſe upon the Proteſtant Subjects of *Ireland*, that Traiterous, Diſloyal and Deteſtable Solemn League and Covenant, which was a direct Oath of Confederacy, not only againſt, but purpoſely to Ruin and Deſtroy the King, the Church, and the Loyal Party; I cannot obſerve his Book to be Printed in *London* by publick Allowance in the Year 1646, at a time when no Books were licenſed but ſuch as made Court to the prevailing Faction of the Uſurpers, or which might be helpful to ſupport their Calumnies againſt His Majeſty, eſpecially as to the *Iriſh* Rebellion; I cannot find him decrying the Ceſſation of 1643 without too juſt a ſuſpition of his Integrity, and that his Biaſs was too ſtrong to that Party, to which he was a Confederate, to expect from him an account of thoſe Affairs, without the apparent Guilt of prejudice and partiality.

The late Earl of *Orrery* cannot eſcape the like ſuſpition with any Perſon, that conſiders him Exerciſing the Talent of his Eloquence, in perſwading the notorious Rebel *Cromwel* to Eſtabliſh his Uſurpation, by fixing the Royal Diadem, the Imperial Crown of theſe Realms upon his infamous Head; nor is it poſſible to look upon him as an impartial Writer, who in the blackeſt of times, rendred himſelf by his Services to the Uſurper ſo notoriouſly Conſpicuous to the Three Kingdoms; being, during that gloomy Scene of our Gracious Sovereign's Baniſhment, Lord Preſident of *Munſter* in *Ireland*, Preſident of the Council of *Scotland*, and in *England* a Lord of the other Houſe in one of the Uſurpers mock-Parliaments; and to inſtance in another of his Titles, thô not ſo Illuſtrious, he was Agent for the Fanatiques Eſtabliſhed by *Cromwel* in the Eſtates of the *Iriſh*, who, repenting of their folly, had ſerved His Majeſty againſt the *Engliſh* Rebels, at that time when he writ that Treatiſe which is ſo warmly anſwered by *Peter Walch*.

As for Dr. *Borlaſe*, beſides the nearneſs of his Relation to one of the Lords Juſtices, and his being openly and avowedly a favourer of the Faction, and the Men and Actions of thoſe times; he is an Author of ſuch ſtrange inconſiſtency, that his Book is rather a Paradox then a Hiſtory; and it muſt needs be ſo, for, I know not by what accident, the Copy of a Manuſcript, written by the Right Honorable the late Earl of *Clarendon*, happening to fall into his hands, he has very unartfully blended it with his own rough and unpoliſhed heap of Matter; ſo that his Book looks like a curious Imbroidery ſowed with coarſe thread upon a piece of Sackwebb: And truly had he no other Crime but that of a Plagiary, it is ſuch a ſort of Theft to ſteal the Child of anothers Brain, that may very well render him ſuſpected not to be overſtockt with Honeſty and Juſtice, ſo neceſſary to the Reputation of an unblemiſhed Hiſtorian; but it is far more unpardonable, to caſtrate the Lawful Iſſue of another Man's Pen, and thereby diſable it from propagating Truth, and to teach it to ſpeak a Language which the Parent never intended: And yet this is the exact Caſe of Dr. *Borlaſe*'s Hiſtory, in which he has taken great Pains, to expunge ſome, and alter many Paſſages, which he thought were too poignant againſt his Favourites, or ſpoke too much in Vindication of his late Majeſty, and his Miniſters, as in divers particulars hereafter the Reader will obſerve.

The World is threatned with a Hiſtory from another hand, which when ever it comes, will lie under the ſame diſadvantages with theſe former Authors; and if it may be prejudged by a Specimen already made Publick, it will not be very fortunate in the World, nor fail of being Sifted and Expoſed, if it does deſerve it, by ſtraying from the Road of Truth, and leading the World into the Crooked Meanders of Erroneous Partiality.

And now having given an account how ſenſible I am of the miſtakes and failings of thoſe who have travailed before me in theſe *Iriſh* Tranſactions; I am to acquaint the Reader that my Intention is to Winnow the truth out of their Writings, but not to follow them further then good Authority concurring with them ſhall incourage me; and that I have no intention to diſclaim any thing in them, but ſuch things, as are either miſtaken or miſrepreſented in matter of Fact, or Written with the ſtrong bent of Partiality, purpoſely, to ſupport the Infamous Detractions and Calumnies, of the late times of Rebellion, which were thrown upon the King, and his Royal Adherents and faithful Miniſters: Nor would I have the *Papiſts* think they have found in me an Advocate for their Cruelties and Rebellion, ſince I do aſſure them I do utterly deteſt and abhor Rebellion and Cruelty in all Perſons and Perſwaſions whatſoever; and that, though I intend not to do them the favour to make their Actions better then they are, by doing as others have done, in indeavouring to make them worſe, they may be aſſured I will repreſent them as they were; and that will be too black, without any thing added more then truth, to tempt any Perſons to ſully their own Reputation, by Excuſing, much leſs Indeavouring to juſtifie ſuch Horrid Actions.

It is not impoſſible but the Reader may be a little ſurprized with the Expectation, ſince I decline the Common Paths of theſe Authors, what Star I ſhall find to Steer by in this dangerous and Tempeſtuous Ocean: And truly I muſt confeſs, I ſhould have laboured under very great difficulties and much uncertainty in theſe *Iriſh* Affairs; but that the truly Great and Noble Prince *James* Duke of *Ormond*, whom I muſt never mention but with that reſpect and veneration which he juſtly challenges from the whole World that have the honour to know him; has been pleaſed out of his great Generoſity, to afford his aſſiſtance, to the carrying on of this difficult Work. And I hope it will add not a little to the Reputation of this Hiſtory, that it has the honour to be obliged to his Grace; whoſe Part in the Chief Management of the Troubleſom Affairs of that Miſerable Nation, as it muſt of neceſſity therefore render them intimately known unto him, ſo the Great Character of unſpotted Loyalty, and Honour, which is ſo undeniably his Graces due, will ſuperſede all manner of diſpute of the Integrity of the Relation.

But if there ſhould be found ſome bold Infidels, as there have been ſome who have queſtioned the truth of the moſt indiſputable things, who will make any ſcruple of either the *Engliſh* or *Iriſh* matters herein related, they ſhall have the aſſurance of ſuch unqueſtionable Authorities, as ſhall be ſufficient to give ample ſatisfaction, to thoſe who are not abſolutely reſolved to disbelieve even the Teſtimony of their own Senſes.

I know I ſhall in the ſhort Progreſſion which this Volume makes in point of time, very much diſſappoint the Expectation of divers Perſons, who poſſibly will think to receive a finiſhed Piece; but truly when they conſider that I my ſelf am not only a Sharer, but the greateſt Sufferer by this diſappointment, and that I am ſtill Condemned to a task, which whoever will make a Tryal of one of the like nature, ſhall not find very eaſy, I am not out of hopes but I ſhall deſerve their Pardon, rather then any Reſentment; and if they be ſuch as will give this Book the Reading, I hope it will make its own Apology; and if they be not ſuch, an Apology is needleſs.

I have little more to add, to detain the Reader from looking into the Book, but to make good my own Profeſſion which I will conſtantly abide by, to be ready to throw the firſt Stone my ſelf, at whatever is an Adulteration of Truth and Hiſtory; and truly I am too ſenſible of the tenderneſs of my own, not to conſult the Reputation of others; and muſt declare my ſelf a profeſſed Votary of that Golden Rule of *Quod tibi fieri non vis, alteri ne feceris.* I muſt therefore indeavour a Reparation to a Gentleman to whom a Paſſage in the firſt Volume of theſe Collections hath been Injurious, and think my ſelf bound in Honour, Conſcience, and Juſtice, to do whatever I can, to deliver him from the injury, by making the Acknowledgement and Retractation as publick as the miſtake. And truly looking upon the Accident in his Family, as that which I ſhould eſteem one of the greateſt misfortunes in my own; I am reſolved to do him all the Right I can, by taking off the Miſrepreſentation, which ſeems to have added miſery to the Afflicted, a cruelty, at which as my Inclination naturally recoiles, ſo I hope I ſhall never have the wilful Guilt of it charged upon me.

The matter is this, Pag. 496. of the firſt Volume, there is a Speech of Sir *John Hollands*, to which this Marginal Note is added, *viz. This Gentlemans Lady was a* Roman Catholick, *and his Daughters by his own conſent, and Covenant of Marriage, were Educated in the* Romiſh *Religion, and diſpoſed into Nunneries beyond the Seas, as 'tis confidently reported in his own Country.*

I will not draw an Apology from the Confidence of the Report, or the Credit of the Reporters, but acknowledge ingenuouſly, that in ſo tender a Point, I ought to have acted with more Caution and upon greater Aſſurance; but the truth and foundation of the Report, as I have it from Sir *John Holland* himſelf, was thus in ſhort; That his eldeſt Daughter having been tampered with, and diſſettled in her Religion, by ſome of the *Romiſh Prieſts*, notwithſtanding all the Authority and Arguments of a Parent, added to the powerful perſwaſions of the Right Reverend Dr. *Morley*, now Biſhop of *Wincheſter*; ſhe remained obſtinately reſolved, to Embrace the *Romiſh Religion*: and finding little Countenance from her Father, taking the opportunity of his abſence from *London*, in diſcontent, and to gain the Liberty of her Conſcience as ſhe pretended, ſhe made her eſcape into *Flanders*, and without the conſent or Privity of any of her Relations, and to their great Affliction, ſhe became profeſſed in the Nunnery at *Bruges*. And as this was a great misfortune in it ſelf, ſo I eſteem it one, to have been acceſſary to make it greater, which ſtill I muſt aver to have been purely by accident and without the leaſt mixture of Malice, or knowledg of the contrary, Sir *John Holland* being at that time, and ſtill a perfect ſtranger to me, and falling under no other conſideration with me, then other Perſons of that time, concerned in the Publick Affairs: however to do him and truth all the Juſtice I can, I will give Order that this Marginal Note ſhall be Expunged, in any future Impreſſion of the Book, and ſhall hereafter make this advantage by this accident, to be cautious not to publiſh any thing but upon very ſufficient Authority, and to diſvalue Reports how confident ſoever, that have not a certain Foundation of undoubted reality to juſtifie and ſupport them.

Sir *John Holland* makes ſome Exceptions to the Speech it ſelf, as not exactly agreeing with the Original Spoken by him, and for my own particular, I do not conceive my ſelf under any Obligation to vindicate the honeſty of the Collector and Publiſher of thoſe Speeches; it ſuffices to my Juſtification that I find thoſe Speeches, Printed and Publiſhed without Comptrol, Animadverſion, or any mark of Diſpleaſure or Fiction then put upon them by thoſe whoſe Intereſt it was, and who had Power enough to have done it: And whether ever ſuch were ſpoken, the ſuffering them to appear in print, and to be diſperſed throughout the Nation, was of as ill Influence to the Publique, as if they had been real; and yet I am not without good Authority, that divers of thoſe Speeches were the true Children of thoſe Parents, at whoſe Doors they were laid, ſeveral of them being entred in Reports of Conferences, upon the Lords Journal.

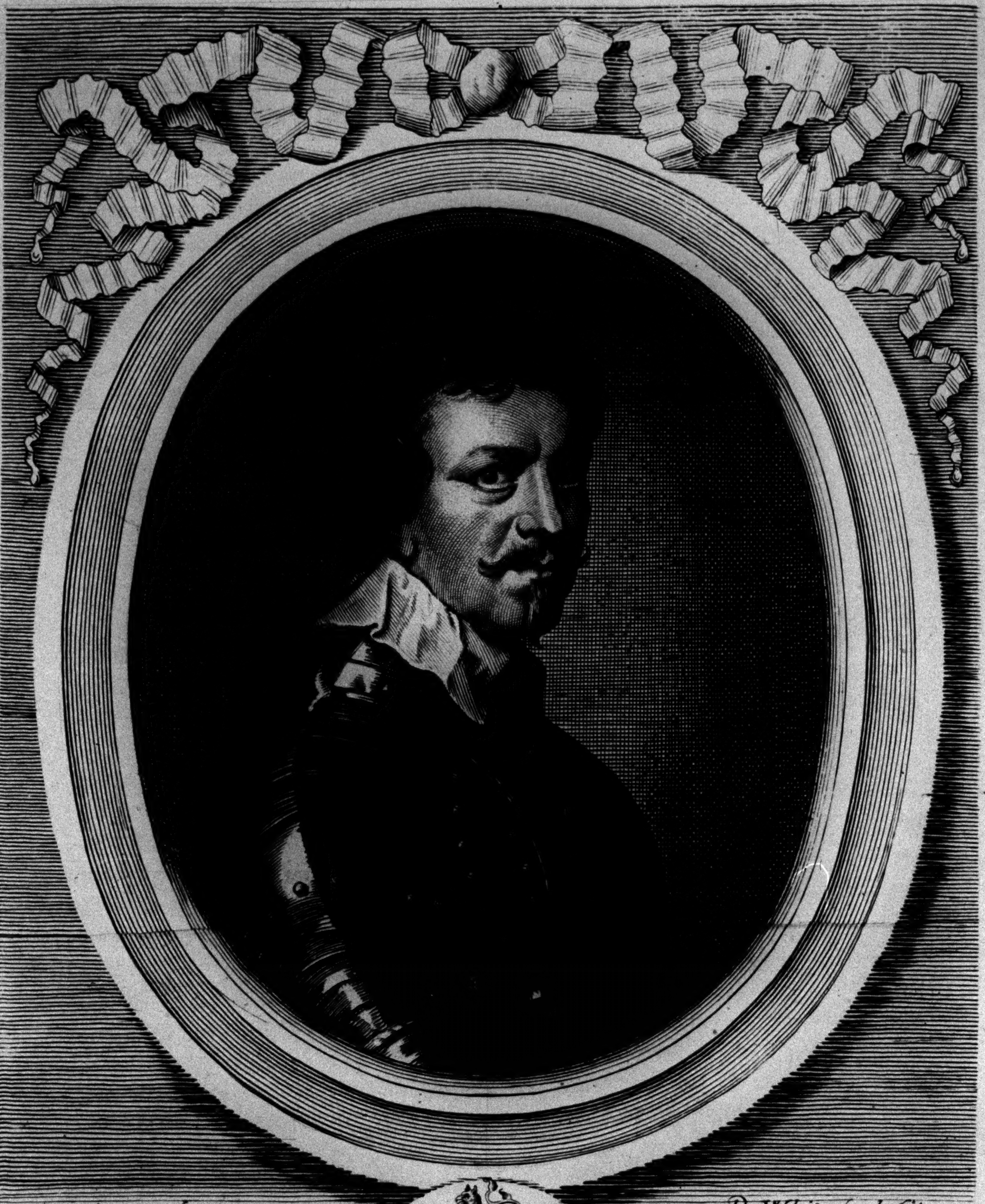
But ſtill I muſt do right, where I am ſatisfied that it was an Artifice of the Faction to delude the People by ſuch Speeches, Printed under the paſſable Authority of Conſiderable Names, and if either Sir *John Holland*, or any other Perſon can by fair Authority convince me that they were in this Nature impoſed upon, I ſhall not decline doing him or them the Juſtice I ought to do, of an Impartial Collector, who has no manner of Animoſity againſt Perſons, but the Actions of the late times; and thinks himſelf under an indiſpenſible Duty to his Prince, Country, and Conſcience, to the utmoſt of his Power to detect and expoſe the Artifices and Methods, which occaſioned thoſe dreadful and deteſtable Revolutions, and the intire Subverſion of the whole Frame of the Government both Civil and Eccleſiaſtical; among which, theſe Printed Speeches, whether ſpoken or not, had not the leaſt ſhare in deluding and animating the People to the following Rebellion.

An Inſtance of the wicked Licentiouſneſs of thoſe Times, in ſlurring of Speeches ſometimes upon worthy Gentlemen, as I have from good Authority, may be ſeen by the Speech fathered upon Sir *Edward Hales*, a Gentleman, whoſe known Loyalty made him a very great Sufferer in the times when the Tyranny and Arbitrary Government of the Faction of the Two Houſes of Parliament bore all the ſway; which was thus, One *Talboy* a buſie prating News-monger, being deſirous to Exchange a Speech he had pick't up, for another which he wanted, he went to a Scrivener at *Temple-Bar*, who then Traded in ſuch things, who refuſing a Speech without a Name to make it Currant Coin, *Talboy* ſtamp'd on it that of Sir *Edward Hales*, and for a while it paſſed as his; but notice being taken of it, Sir *Edward Hales* conſulted his Friends, Members of the then Houſe of Commons, to adviſe what was fit for him to do, towards vindicating his Honor from the Scandal which *Talboy* had put upon him; but Sir *Norton Knatchbull*, who is yet alive to atteſt this, and the reſt of his Friends were of Opinion, that conſidering the deſpicable Credit of the Fellow, and the improbability of the Aſperſion, ſo inconſiſtent with the known Integrity and Loyalty of Sir *Edward Hales*, it was more adviſable to take no notice of the Impoſture, then to make the Speech more publick by the puniſhment of the Impoſtor: by which means *Talboy* eſcaped the laſh, and the Speech got under that

Name into the Preſs, and out of that into the World.

There are ſome other Marginal Notes in the firſt Volume concerning the Members of the Convocation, which by miſinformation are miſtakes, but they are only ſuch as can do no hurt, being only the attributing ſome honours to ſome Names which they never enjoyed. But I am of the opinion that St. *Auguſtine* never writ any thing that more became him then his Retractions, and I hope the Ingenuous Readers, will from my willingneſs to acknowledge the ſmalleſt miſtakes, do me the honour to believe that I do above all things ſtudy ſincerity, and that I will not in any thing, to the beſt of my underſtanding, impoſe Falſhood for Truth upon the World, or be guilty of miſleading Poſterity into Errors, whilſt I pretend to gratifie them with the moſt authentick and undiſguiſed account of the Publick Tranſactions of thoſe Things and Times, with which I entertain them.

I have but one word more to add; I am ſenſible that I have already fallen under the diſpleaſure of ſome Perſons, who having been Eminent Actors in the late Times againſt the King and the Government, and are yet Survivers and living Monuments of their own Guilt, and the unexampled Clemency of their moſt Gracious Sovereign; are extremely uneaſie at the account that is here given of thoſe Times: For my particular, I muſt diſavow my having any Perſonal Animoſity, but truely thoſe who find themſelves offended by any matters in theſe Collections, which are unjuſtifiable or diſreputable to the Authors and Actors of them, if they be ſuch as have ſincerely Repented of thoſe paſt Errors and Actions, will be ſo far from being diſpleaſed to ſee them Expoſed and Condemned, that they will be ready to do it themſelves, thereby to make ſome compenſation for the former Ills they have been acceſſary to; and if they have not yet by a thorough Penitence Attoned Heaven, and procured an Act of Oblivion there, as well as the Clemency of his Majeſty has given them one here, it is high time for them to go about it; and it is a piece of Charity to put them in mind of it, as this Hiſtory does, for which I ſhould rather expect their thanks, than their anger and diſpleaſure; and I am ſure if they conſult their future Intereſt, and the little time they can hope to have ſtill left for the performance of ſo great a Work, there can be no Service ſo advantageous in Reaſon, how unwelcom ſoever it may be to Paſſion and Prejudice, as that of a faithful Monitor, who gives them warning to eſcape the greateſt of all Miſeries and Dangers.



Ant. Van Dyck pinxit. R. White ſculpſit.

THOMAS EARLE OF STRAFFORDE
Viſcount Wentworth Baron Wentworth of Wentworth, Wood:
houſe Newmarch, Overſley, & Raby Ld. Lievtenant Generall,
and Generall Governor of the Kingdome of Ireland; and Ld.
Preſident of ye Councill eſtabliſhed in ye North parts of England,
Ld. Lievtenant of ye County & City of York, & one of his Maty. most Honble.
Privy Councel, and Knight of ye most Noble order of ye Garter.

EN DIEU EST TOUT

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AN Impartial Collection OF ALL THE MEMORABLE EVENTS FROM The *Scotch* Rebellion, to the KING's Murther.

Volume II.

The Hiſtory of the Earl of STRAFFORD.

1641.

ALTHOUGH many Ages and Hiſtories afford us great Variety of Examples, to convince us of the inſtability of Humane-Affairs, and that no perſons have a more dangerous Station than ſuch Great Miniſters of State and Royal Favourites, as are mounted to the Lofty Pinnacles of Honour; Yet I think our Country has not produced any Inſtance, of the Treachery of Fortune, ſo ſignally remarkable, as this of the Noble Earl of *Strafford*; a Perſon in whoſe Character Every thing conſpired that could make a Subject Great. And certainly had he lived in any other Age than that wherein the Turbulent Whirlwind of Rebellion and Diſloyalty, threw down all before it, his Great Wiſdom, Learning, Courage and Loyalty would have rendred him one of the greateſt Lives, that ever adorned the *Engliſh* Chronicles, as well as one of the Wiſeſt Stateſmen and Ableſt Miniſters, that ever ſupported the *Britiſh* Throne; and how great an Intereſt he had in that Weighty Employment, both the Envy of his, and the Enemies of the Royal Seat, and the Miſerable Fall of that Illuſtrious Empire of which he was ſo main a Pillar, will abundantly manifeſt: and indeed they who will pull down the Throne of *Solomon*, alwayes firſt endeavour to remove and deſtroy the Lions that ſupport it.

This Great and Illuſtrious Man was deſcended of an Honourable and Ancient Family, born to an Eſtate ſufficient to maintain his Quality in the Rank of Reputation which he held in the World; but he was alſo born with a Mind ſo Great and Generous, and a Genius ſo Elevated above the Lower Orb wherein he moved, as could not ſuffer him to continue long in that ſafe Obſcurity of a private Gentleman.

King *James* dying, left his Son a Diſcontented State and an Empty Treaſury, two Miſfortunes, then which, no Prince can well be ſuppoſed

1641.

to have greater; Neceſſitous Princes having ever been forced to part with a great meaſure of their Prerogative, to inable them to keep and ſupport the remainder: and King *Charles* the Firſt coming to the Crown, found it ſtuck with Thorns inſtead of many of thoſe Jewels which had adorned the Temples of his Royal Predeceſſors: To Extricate himſelf out of thoſe Difficulties, he Summons a Parliament, and layes before them the Neceſſities of the Crown, and demands their aſſiſtance by Supplies of Money, for managing the *Palatinate* Warr, in which they had involved his Father, and which, with the Crown, was devolved upon him; but the Commons inſtead of *Money*, preſented him with *Two Petitions*, one about Religion, the other about Grievances; and in the Concluſion, they fell ſeverely upon the Duke of *Buckingham*, who by reaſon of the Great Favour of his Prince, was fallen under the Popular Envy and Hatred; and the Debates running very high, the King Diſſolved the Parliament; and a Second being in the ſame ſtrain, and no Money to be had, had alſo the ſame period, of which the Reader will receive a more full Account in the *Introduction* to theſe Hiſtorical Collections, whither to avoid Repetition he is referred.

The Neceſſities of the King daily increaſing, recourſe was had to Extraordinary Methods of raiſing Money; and among the Reſt, that of Loan, by virtue of a Warrant under the Privy Seal to Gentlemen of Eſtates, was made Uſe of, and one of theſe Seals being ſent to Sir *Thomas Wentworth* for 40 *l*, he declined the Payment of the Money, as intrenching upon the Property of the Subject; whereupon he was confined, as were ſeveral other Gentlemen upon the ſame Occaſion.

By which ſuffering, he became Exceeding Popular, and look't upon as a Confeſſor for the Liberty and Property of the People, and in the Following Parliament, whereof he was a Member, and in which he began to diſplay his great Parts and Abilities, upon this Occaſion, he came to be much taken notice of, and obſerved, even at the Court, as a Perſon of uncommon Abilities; and the gaining of him to the Kings Intereſt was, by thoſe who managed the Publique Affairs, thought might contribute much to the advancement of the Kings Intereſt and Service.

But how unſucceſsful this Procedure of gaining Men of Ability by Preferments, and rebating the Edge of Popular Spirits by Honors and Advancements to Places of Truſt, proved to the Intereſt of the King, not only the Event, but Reaſon, upon which it is Naturally Founded, does moſt plainly manifeſt: for Ambition, or the natural Deſire of Honour, becomes hereby a perfect *Hydra*, and the Prince cannot ſooner remove one Head, but immediately another riſes in the place; and at the ſame time that a Popular Opponent is converted by Court Preferment, he becomes the Envy of all thoſe whoſe Party he ſeems to have abandoned, and the greateſt Abilities and real Services he ſhall render to his Benefactor, will not only be ill repreſented, but by how much the greater his Intereſt, Power and Abilities are, by ſo much will he be Eſteemed more dangerous, and in proportion both Envy'd and Hated.

However, it ſeems, theſe were not the Sentiments at that time of thoſe who managed the Affairs of State; for a Train was laid for an Interview between Sir *Richard Weſton* then Lord Treaſurer, and afterwards Earl of *Portland*, and Sir *Thomas Wentworth*, which being Effected, the Interview begot an acquaintance, and the acquaintance in a little time grew to a moſt Firm and Solid Friendſhip; Great Minds being with little Difficulty invited to, and Eſtabliſhed in thoſe Generous Friendſhips, which are begotten, not out of Wantonneſs or trifling formality, but by the inward harmony and likeneſs which Noble Souls quickly diſcover in Each other.

It happened, that in ſome of the divertive Entertainments of their agreeable Converſation, theſe Two Great Men falling upon the Diſcourſe of the Popular Humor in the Commons Houſe, which the Lord *Treaſurer* wiſely judged could never either portend, or promote any real advantage to the Nation; Sir *Thomas* declared himſelf to be in his Judgment an abſolute Enemy to the conſequences and dreadful Effects which uſually attend Popular Commotions and diſturbances, which generally produce the very ſame or worſe miſeries, then thoſe which they pretend to redreſs; and purſuing his ingenious diſcourſe, he offered ſome Expedients ſo rational and perſuaſive towards a Mediation, and Reconcilement of the preſent Differences, and ſome things ſo appoſite to the preſent juncture of Affairs, as Extremely raiſed the value of his Prudence, and Wiſdom in the Eſteem of the Lord Treaſurer, who daily diſcovered more and more the penetrating Abilities of his Mind, mingled with a ſolid firmneſs of Reaſon and Judgment.

It will eaſily be believed, that the Lord *Treaſurer*, having, as he could not but conclude, found a Jewel fit for a Princes Cabinet, was not backward in repreſenting Sir *Thomas Wentworth* to his Majeſty with a Character no ways diſadvantagious to him; nor was there any great difficulty to introduce him into his Majeſties Eſteem and Favour, who was already poſſeſſed with a belief and knowledg of his Merit, and how ſerviceable a Perſon of his Intereſt and Qualifications might be to his Affairs.

He was no ſooner come under the warm influence of Majeſty, but he was made ſenſible of the Beams of Honour which are derived from the Royal Fountain of it; and in a little time he was created Baron *Wentworth*; and the Aſcendant of his wiſdom daily gaining upon his Majeſties Favour and Eſteem, he was ſhortly advanced to the Honour of Viſcount *Wentworth* of *Wentworth Woodhouſe*, made one of his Majeſties moſt Honorable Privy-Council, Lord Lieutenant of the County of *York*, and Lord Preſident of the Court and Council of the *North*.

And here give me leave to mention a little and in appearance a trifling accident of Honour, which proved the great, if not the only occaſion of his Ruin; among the reſt of his Honours he had the Title of Baron of *Raby*, an Honour to which Sir *Henry Vane* one of his Majeſties Secretaries of State, who was poſſeſſed of the Caſtle of *Raby* and the Demeaſns thereunto belonging, had ſome pretenſions, and was not a little ambitious of; but being overſhadowed by this lofty and ſpreading Cedar, he was ſo ſtung with the diſappointment, and ſo thirſty of Revenge, that though he warily ſmothered his Reſentments, yet he was ever an Enemy to this Noble Lord, and as it appeared for his ſake to his Royal Maſter; and as it may from hence be not improbably conjectured, judging himſelf far more nearly intereſted in the Ruin of this great Perſon than any other, he ſatiated his private Revenge by the pretence of Publick Juſtice, and when in all likelyhood the Earl muſt have Eſcaped the Proſecution of his Adverſaries he produced that Fatal Scrip of Paper, of which mention will be made hereafter, which had lain ſo long Dormant, or rather which was newly framed, upon which the Bill of Attainder in the Houſe of Commons was founded, to take away that Life which a Legal Tryal would otherwiſe have acquitted, though not of Miſdemeanors, yet of the Capital Crime of High Treaſon.

1641.

My Lord *Wentworth* being now made one of his Majeſties Privy Council, gave ſuch daily Teſtimonies of his ſingular Wiſdom, as ſoon recommended him to the Obſervation of that Great Man *William Laud* then Biſhop of *London*, and afterwards Archbiſhop of *Canterbury*; and that Diſcernment of each others Merits, which generally in great Minds produces Emulation, Envy, and too commonly Averſion and Animoſity begat in them a Friendſhip, which being cemented by the common bond of Loyalty and Fidelity to their great Maſters Service and Intereſt, proved ſo firm and indiſſolvable, as to have no other Period but that of their Untimely Deaths.

Nor did Fortune, who ſeemed now wholy imployed in beſtowing her treacherous Careſſes upon this Noble Lord, ſtop here, for he was in a little time advanced to be Lord Lieutenant of *Ireland*, one of the Truſts and Honours, as near the wearing of a Crown, as any thing can be, that is not actually poſſeſſed of one: when he came to that Government he found all things in great Diſorder, the Revenue ſo low that *Ireland* was a Burthen to the Crown of *England*, which by his Wiſe Management, he not only took off, but ſo improved the Trade of the Nation, and the Revenue of the Crown, that, that Kindom was not only able to ſupport it ſelf, but to lend ſupplies to *England*.

And as he was an Extraordinary Zealous promoter of the Intereſt and Glory of the Eſtabliſhed Church and the Proteſtant Epiſcopal Party, for which poſſibly there was a ſtricter bond of amitie between him and the Arch-Biſhop, he did by the aſſiſtance of that great Metropolitane, procure from his Majeſty the Reſtoring of all the Impropriations, which in that Nation were then in the Crown, to the Biſhops and Clergy, thereby reſcuing the Church-men from thoſe diſadvantages which Contempt and Poverty in theſe declining Ages of Religion had reduced them to; and by propoſing Rewards to Merit, Virtue, Learning and Piety, encouraged men of Parts to dedicate themſelves to thoſe Nobler Studies, That contenting themſelves with thoſe competent Proviſions they might be enabled to reſiſt the Temptations of applying themſelves to the more gainful Arts of Secular Profeſſions. In ſhort, how he managed the Government of that Kingdom, notwithſtanding the turbulent Humor of the Native *Iriſh*, whoſe Religion being Popiſh, and whoſe Intereſt to diſpoſſeſs the *Engliſh* whom they ever eſteemed incroachers and invaders, continually prompted them to Rebellions; this is the cleareſt Teſtimony, that during all the time that he was his Majeſties Vice-Roy in that Kingdom, there was not the leaſt murmur of Sedition, but all things buried in a moſt profound Peace and Quiet: But no ſooner were the Reigns of his Government taken off, and even before the blood was cold which dyed his bluſhing Scaffold, but that Kingdom was all in a blaze, and from thence ſuch ſparks of Jealouſie flew over into *England*, as ſet this miſerable Nation into ſuch an Univerſal Conflagration, as was not Extinguiſhed but with whole Rivers of Blood; which one may ſay not altogether Poetically ſeemed to be ſacrificed by the Revenging Deity, to the *Manes* of this Illuſtrious Man.

And now the Sun of his Glory was gotten to the Top of his Meridian; and from thence had Exhaled thoſe Vapours, and ſulphureous ingredients, which being condenſed into Clouds of Popular Diſcontents raiſed ſo horrible a Storm, as forced him to ſet in a diſmal Cloud.

Lætis hunc Numina Rebus
Creſcendi poſuêre modum——

Innocence is no Protection againſt Envy, and thoſe Merits which raiſed Admiration and Satisfaction in Good and Virtuous Men, produced Emulation and Hatred in the Minds of the Turbulent and Diſcontented; and as formerly all the Complaints and Grievances of the Nation ſeemed to Centre in the Duke of *Buckingham*, ſo now the Noble Earl of *Strafford*, for to that Honour he was advanced, inherited with the Favour of his Prince, all that was Black and Criminal in a Favourite, which was now become a certain mark of the Peoples Hatred.

The long Diſcontinuance of Parliaments, the Impoſition of Ship-mony, and the Deſign of introducing Arbitrary Government, were all placed to his Score; as the intentions of bringing in Superſtitions, Innovations and Popery, were charged upon the Archbiſhop of *Canterbury*: But above all, he had ſo Exaſperated the *Scottiſh* Faction, and their Friends in *England*, that his or their Ruin, as they concluded, was inevitable: for he had raiſed a Conſiderable Army in *Ireland*, and being in the Sickneſs of the Earl of *Northumberland* made Lieutenant General of the Army in the *North*, he was an utter Enemy to the Treaty, and of Opinion by force of Arms to drive the *Scots* out of *England*; and ſo confident was he in the height of his Courage that it might Eaſily be Effected, that in one of his Letters to the Archbiſhop, he writ, *That he would venture his head, if he did not drive the* Scots *out of* England; *and though he did not think it proper for him, as the Caſe now ſtood, to give the King that Advice; Yet if any of the Lords would propoſe to the King to try the Fortune of a Battle, he made not the leaſt ſcruple to ſend the* Scots *back again in more haſte than they came into* England. And had his Majeſty purſued thoſe Counſels, in all humane Probability this Noble Earl might have ſaved not only his own but the Royal Head of his Maſter, and that vaſt Expence of Blood and Treaſure, as well as the Honour of the *Engliſh* Nation which ſuffered infinitely abroad, by all the ſucceeding Accidents and Events which Enſued that diſhonourable Treaty; but *Diis aliter viſum eſt*.

Friday, November 6.

No ſooner was the Parliament met at *Weſtminſter*, and the neceſſary affairs of chooſing a *Speaker*, taking the Oaths of Allegiance and Supremacy, and upon *Friday Novemb.* 6. the Grand Committees for Religion, Grievances, Courts of Juſtice, Trade and Priviledges ſettled, but Mr. *Pym* moved for a Committee of the whole Houſe to take into Conſideration the *Iriſh* Affairs, from whence there were great and numerous Complaints. This was ſeconded by Sir *John Clotworthy*, in a Speech wherein though he did not name the Earl of *Strafford*, yet the pointed reflections were ſo eaſie to be interpreted, that the whole Houſe knew he was the Perſon, at whoſe head the Thunderbolt was levell'd. After ſome Debate the Houſe was Divided upon the Queſtion, and there being *Yeas* 165, *Noes* 152, it was carried in the affirmative.

This Vote for a Grand Committee of the whole Houſe for *Iriſh* affairs preſently gave the Alarm to thoſe Gentlemen of the Houſe, whoſe Friendſhip for the Earl, made them Vigilant in attending the Motions of his Enemies, whoſe Deſigns as well as hatred of him, were not unknown to them.

Immediately they poſted Letters down to him in the *North* where he was ſtill with the Army, advertiſing him of what was done in the Houſe of Commons, and the apprehenſion they had that a Storm was gathering which would ſhortly diſcharge it ſelf upon him; and leaving it to his deliberation whether to come up to the Parliament or not: however, they adviſed him if he did reſolve to come, that he ſhould come prepared

1641. to impeach ſome of the Principal of his Enemies, of a Confederacy with the *Scots* in their invading of *England,* and thereby as the Duke of *Buckingham* had formerly treated the Earl of *Briſtol,* to cruſh their Accuſations in the bud, and diſable them from his Proſecution, by obliging them firſt to clear themſelves.

But thoſe who were his intimate Friends adviſed him, either to continue with the Army, over whom he had got a moſt powerful influence, or to retire to *Ireland*, which then alſo was intirely at his Devotion; or laſtly, to take a retreat in ſome Eorreign Country, till the Fury of the Storm was ſpent; that from thence upon a favourable turn of his affairs, he might be able to recover his Station, and vindicate his Innocence; they repreſented to him how impoſſible it would be for him to ſtand the ſhock of his Combined Adverſaries, of the *Scottiſh* Nation and Faction in both the Houſes, and that to run upon inevitable Ruin, though it might ſpeak Innocence and Courage,yet among Wiſe men,it would make his Judgment and Wiſdom extreamly cenſured; ſince the worſt that could happen to him by retiring, was to have Sentence paſſed upon him for non-appearance; but that in recompence of that diſadvantage,and the ſeeming Loſs of his Honour and Reputation, he would certainly preſerve his Life and Liberty; and reſerving himſelf for a better Deſtiny, might, as multitudes of Great Men have done before him, not only recover his Glory and Integrity from under the preſent Eclipſe, but render his Reputation far more bright by coming from under the black Clouds of Calumny and Injuſtice; Whereas, ſhould he adventure to ſtand the Teſt of Parliament, he could expect little Mercy, and leſs Juſtice, from ſuch of his Enemies, who could not but reſolve his Ruin, to prevent their own; and that, if notwithſtanding all his Integrity, ſhould Sentence of Condemnation paſs upon him, he ſhould not only loſe his Honor, Life, and Eſtate, but endanger the preſent loſs of his Fame, if not the future too; ignoble Minds being apt to judge the Condemned alwayes Criminal, and that Poſterity, who may much more probably want thoſe aſſiſtances to reſcue a ſuffering Innocence from Injuſtice, which even the Age wherein it was tranſacted was not ſufficiently able to do, will be apt to believe the Certainty of Fact which ſpeaks a Guilt, rather then the uncertainty of a Traditional Innocence; though it has ſo happened to the Aſhes of this Illuſtrious Innocent, that the Guilt has by ſolemn Act of Parliament been obliterated, and as he ſuffered by the Injuſtice of a *Lex poſt nata*, ſo he had all the Reparation the Juſtice of a *Poſthumus* Law could do his Memory.

But ſuch was the high Courage of this Noble Earl, who had much more of the Oak than the Willow about his Heart, that all the Arguments and Remonſtrances of his Friends were loſt upon him; To ſtay with the Army, from whence he would aſſuredly, if impeached, be commanded; or to retire to *Ireland,* he judged would look too like Rebellion, from which as he had the ſtrongeſt averſion, ſo it would give his Enemies ſome colourable foundation for a real Guilt, and to take Sanctuary under the Protection of any Forreign Court, was to abandon his Innocence, and tacitly to confeſs himſelf a Criminal, and would in the Opinion of the World, make him appear guilty of all the Crimes his Accuſers ſhould lay to his Charge.

In the Confidence of his own Innocence, and of the guilt of his Enemies, of whoſe Confederacy with the Covenanters of *Scotland* he had, as he thought, got ſufficient Evidence to Impeach ſeveral both of the Lords and Commons, as guilty of an Invitation of the *Scots* to Invade *England*, he takes Poſt for *London*, intending, as ſoon as he was arrived at the Parliament, to preſent it to the Houſe of Peers.

Wedneſday, Novemb. 11.

But his Enemies proved too diligent for him, and knowing how great influence the firſt blow would have, before he could accompliſh his Intention, they prevented him by an Impeachment as Quick as Unexpected: for upon *Wedneſday* the Eleventh of *November*, the Doors of the Houſe of Commons being locked up, and the Key brought up to the Table, the Impeachment of the Earl was moved in the Houſe, and Meſſengers were ſent to the Lords to deſire a Conference concerning the Earl of *Strafford*, and

Committee to prepare a Charge againſt the Earl of *Strafford*.

Mr. *Pym*,
Mr. *Strode*,
Mr. *St. Johns*,
Serjeant *Grimſton*,
Lord *Digby*,
Sir *John Clotworthy*,
Sir *Walter Erle*,
Mr. *Hambden*,

were appointed to be a Select Committee to prepare Matter for a Conference with the Lords, and to draw up a Charge againſt the Earl of *Strafford*, and in order to it, to withdraw immediately into the Committee Chamber.

This retirement was only *pro formâ*, for they had all the Charge ready, and therefore they immediately returned, and reported to the Houſe a Charge againſt the Earl; whereupon it was Reſolved upon the Queſtion,

That a Meſſage be ſent to the Houſe of Lords to Impeach the Earl of Strafford *Lord Lieutenant of* Ireland *of High Treaſon*; which Mr. *Pym* who by Command of the Houſe carried it up, and delivered in theſe Words:

My Lords,

THE Knights, Citizens and Burgeſſes now Aſſembled in the Commons Houſe in Parliament, have received Informations of divers Trayterous Deſigns and Practices of a great Peer of this Houſe, and by virtue of a Command from them, I do here in the Name of the Commons now Aſſembled in Parliament, and in the Name of all the Commons of England, *accuſe* Thomas *Earl of* Strafford *Lord Lieutenant of* Ireland, *of High Treaſon: and they have Commanded me further to deſire your Lordſhips that he may be Sequeſtred from Parliament, and forthwith Committed to Priſon: They have further Commanded me to let you know, That they will within a very few dayes reſort to your Lordſhips with the particular Articles and Grounds of this Accuſation.*

The Earl then being commanded to withdraw, it was put to the Queſtion by the Lords, *Whether He ſhould be Impriſoned upon a general Accuſation of Treaſon?* and being carried in the affirmative, he was called in, kneeling at the Barr, and afterwards ſtanding up, the Lord Keeper by Command of the Houſe ſpake to him as followeth:

MY Lord of Strafford, *The Houſe of Commons in their own Name, and in the Name of the whole Commons of* England, *have this day accuſed your Lordſhip to the Lords of the Higher Houſe of Parliament, of High Treaſon; the Articles they will in a few dayes produce; in the mean time they have Reſolved, That your Lordſhip ſhall be Committed into Safe*

Safe Cuſtody to the Gentleman Vſher, and be Sequeſtred from the Houſe, till your Lordſhip ſhall clear your ſelf of the Accuſations that ſhall be laid againſt you. Whereupon he was immediately taken into Cuſtody by *James Maxwell* Uſher of the Black Rod.

And that the Commons might Diſable him of the Teſtimony and Aſſiſtance of Sir *George Radcliff* his great Friend, and Confident, it was reſolved to make him a Party, and accuſe him of High Treaſon and Confederacy with the Earl; which was accordingly done, as is more at large related before, to which the Reader is referred: only a Debate worth the Obſervation aroſe upon his being a Member of the Parliament in *Ireland, Whether he could without Breach of Priviledge be ſent for?* Upon which it was Reſolved as a thing out of all Doubt, *That in caſe of High Treaſon, Priviledg of Parliament neither here nor there doth reach to Protect him*: Notwithſtanding which, when afterwards his Majeſtie accuſed the Lord *Kimbolton* and the Five Members of High Treaſon, and Exhibited Articles againſt them, they did not only protect them, but arraigned that proceeding as the Higheſt Violation of the Priviledges of Parliament, making it one of the main Foundations upon which they built the Juſtice of the ſucceeding Rebellion, and their taking up Arms againſt his Majeſty.

Wedneſday, Novemb. 18.

It was Ordered, *That no Member of the Houſe of Commons ſhall viſit the Earl of* Strafford *during his reſtraint, without Licence firſt obtained from the Houſe.* And the ſame Order was taken in the Houſe of Peers; and all the time of his Impriſonment, the Lieutenant of the *Tower* brought in a Weekly account of the Names of thoſe perſons who viſited him, and by whoſe Order.

Munday, Nov. 23.

Upon *Munday, Novemb.* 23. Mr. *Pym* preſented a draught of Articles to the Houſe, which being referred to the Committee who were to prepare a Charge againſt the Earl, were by them reported, and agreed to by the Houſe, and Mr. *Pym* ordered to go up with them to the Lords; which upon *Wedneſday* following he did accordingly; and before their Lordſhips laid out his Talent of Speech-making upon that ſubject as follows. The Articles being firſt tendred and Read, which were theſe.

Wedneſday, Nov. 25.

Articles of Impeachment againſt the Earl of *Strafford, Nov.* 25.

I.

T*Hat he the ſaid* Thomas *Earl of* Strafford, *hath Trayterouſly endeavoured to ſubvert the Fundamental Laws and Government of the Realms of* England *and* Ireland, *and inſtead thereof to introduce an Arbitrary and Tyrannical Government againſt Law, which he hath declared by Trayterous Words, Counſels, and Actions, and by giving his Majeſty advice, by force of Armes to compel his Loyal Subjects to ſubmit thereunto.*

2. *That he hath Trayterouſly aſſumed to himſelf Regal power over the Lives, Liberties, Perſons, Lands, and Goods of his Majeſties Subjects in* England *and* Ireland, *and hath exerciſed the ſame Tyrannically, to the ſubverſion and undoing of many, both of Peers and others of his Majeſties Liege people.*

3. *That the better to enrich and enable himſelf to go thorow with his Trayterous Deſigns, he hath detained a great part of his Majeſties Revenue, without giving legal account; and hath taken great Summes out of the Exchequer, converting them to his own uſe, when his Majeſty was neceſſitated for his own urgent occaſions, and his Army had been a long time unpaid.*

4. *That he hath Trayterouſly abuſed the power and authority of his Government, to the encreaſing, countenancing, and encouraging of Papiſts, that ſo he might ſettle a mutual dependance and confidence betwixt himſelf and that Party, and by their help proſecute, and accompliſh his malicious and tyrannical deſigns.*

5. *That he hath maliciouſly endeavoured to ſtir up enmity and hoſtility between his Majeſties Subjects of* England, *and thoſe of* Scotland.

1641.

6. *That he hath Trayterouſly broken the great Truſt repoſed in him by his Majeſty, of Lieutenant General of his Army, by wilfully betraying divers of his Majeſties Subjects to death, his Army to a diſhonourable defeat by the* Scots *at* Newborn, *and the Town of* New-Caſtle *into their hands; to the end, that by the effuſion of blood, by diſhonour, and ſo great a loſs of* New-Caſtle, *his Majeſties Realm of* England *might be engaged in a National and Irreconciliable quarrel with the* Scots.

7. *That to preſerve himſelf from being queſtioned for thoſe and other his Trayterous Courſes, he laboured to ſubvert the Right of Parliaments, and the ancient courſe of Parliamentary Proceedings, and by falſe and malicious ſlanders to incenſe his Majeſty againſt Parliaments. By which Words, Counſels, and Actions, he hath Trayterouſly, and contrary to his allegiance, laboured to alienate the hearts of the Kings Liege people from his Majeſty, to ſet a diviſion between them, and to ruin and deſtroy his Majeſties Kingdoms, for which they impeach him of High Treaſon againſt our Soveraign Lord the King, his Crown and Dignity.*

8. *And he the ſaid Earl of* Strafford *was Lord Deputy of* Ireland, *and Lieutenant General of the Army there,* viz. *His moſt excellent Majeſty, for his Kingdoms both of* England *and* Ireland, *and the Lord Preſident of the* North, *during the time that all and every the Crimes and Offences before ſet forth were done and committed, and he the ſaid Earl was Lieutenant General of all his Majeſties Army in the North parts of* England, *during the time that the Crimes and Offences in the fifth and ſixth Articles ſet forth were done and committed.*

9. *And the ſaid Commons by proteſtations, ſaving to themſelves the liberty of exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid Earl, and alſo of replying to the Anſwers that he the ſaid Earl ſhall make unto the ſaid Articles, or to any of them, and of offering proofes alſo of the premiſſes or any of them, or any other impeachment or accuſation that ſhall be exhibited by them, as the cauſe ſhall according to the courſe of Parliaments require, do pray that the ſaid Earl may be put to anſwer for all and every the premiſſes, that ſuch Proceedings, Examinations, Tryals, and Judgments may be upon every of them had and uſed, as it is agreeable to Law and Juſtice.*

My Lords,

Mr. *Pym*'s Speech after the Reading the Articles againſt the Earl of *Strafford, Nov.* 25.

These Articles have expreſt the Character of a great and dangerous Treaſon; ſuch a one as is advanced to the higheſt degree of Malice and of Miſchief: It is enlarged beyond the limits of any deſcription or definition: it is ſo hainous in it ſelf, as that it is capable of no aggravation: a Treaſon againſt God, betraying his Truth and Worſhip; againſt the King, obſcuring the Glory, and weakning the foundation of his Throne; againſt the Common-wealth, by deſtroying the principles of Safety and Proſperity. Other Treaſons are againſt the Rule of the Law: this is againſt the being of the Law: It is the Law that unites the King and his People; and the Author of this Treaſon hath endeavoured to diſſolve that Union, even to break the mutual, irreverſal, indiſſoluble band of Protection and Allegiance, whereby they are, and I hope ever will be bound together.

If this Treaſon had taken effect, our Souls had been inthralled to the Spiritual Tyranny of Sathan; our Conſciences to the Eccleſiaſtical Tyranny of the Pope; our Lives, our Perſons and Eſtates to the Civil Tyranny of an Arbitrary, unlimited, confuſed Government.

Treaſon in the leaſt degree, is an odious and a horrid Crime: other Treaſons are particular; if a Fort be betrayed, or an Army, or any other Treaſonable fact committed, the Kingdom may out-live any of theſe: this Treaſon would have diſſolved the frame and being of the Common-wealth; it is an Univerſal, a Catholick Treaſon; the venom and malignity of all other Treaſons are abſtracted, digeſted, ſublimated into this.

The Law of this Kingdom makes the King to be the Fountain of Juſtice, of Peace, of Protection; therefore we ſay, the Kings Courts, the Kings Judges, the Kings Laws. The Royal Power and Majeſty ſhines upon us in every publick bleſſing and benefit we enjoy: but the Author of this Treaſon would make him the Fountain of Injuſtice, of Confuſion, of publick miſery and calamity.

The Gentiles by the light of Nature had ſome obſcure apprehenſions of the Deity, of which they made this expreſſion, that he was Deus optimus maximus, *and infinite goodneſs, and an infinite greatneſs. All Soveraign Princes have ſome Characters of*

Divinity imprinted on them; they are ſet up in their Dominions to be Optimi, Maximi, *that they ſhould exerciſe a goodneſs proportionable to their greatneſs.*

That Law term, Læſa Majeſtas, *whereby they expreſs that which we call Treaſon, was never more thorowly fulfilled then now: there cannot be a greater læſion or diminution of Majeſtie, then to bereave a King of the glory of his goodneſs. It is goodneſs (My Lords) that can produce not onely to his People, but likewiſe to himſelf Honour and Happineſs. There are Principalities, Thrones and Dominions amongſt the Devils, greatneſs enough; but being uncapable of Goodneſs, they are made uncapable both of Honour and Happineſs.*

The Lawes of this Kingdom have inveſted the Royal Crown with Power ſufficient for the manifeſtation of his Goodneſs and of his Greatneſs: if more be required, it is like to have no other Effects but Poverty, Weakneſs and Miſery, whereof of late we have had very woful Experience. It is far from the Commons to deſire any abridgment of thoſe great Prerogatives which belong to the King; they know that their own Liberty and Peace are preſerved and ſecured by his Prerogative, and they will alwayes be ready to Support and Supply his Majeſty with their Lives and Fortunes, for the maintenance of his Juſt and Lawful Power.

This (My Lords) is in all our Thoughts, in our Prayers, and I hope will be ſo manifeſted in our Endeavours, that if the Proceedings of this Parliament *be not interrupted as others have been, the King may within a few Moneths be put into a clear way, of as much Greatneſs, Plenty and Glory, as any of his Royal Anceſtors have enjoyed.*

A King and his People make one Body: the Inferiour Parts confer Nouriſhment and Strength, the Superiour Senſe and Motion: If there be an interruption of this neceſſary intercourſe of blood and ſpirits, the whole Body muſt needs be ſubject to decay and diſtemper; therefore Obſtructions are firſt to be removed, before Reſtoratives can be applyed. This (My Lord) is the end of this Accuſation, whereby the Commons ſeek to remove this Perſon, whom they conceive to have been a great cauſe of the Obſtructions betwixt his Majeſty and his People: for the Effecting whereof, they have Commanded me to deſire your Lordſhips, that their Proceedings againſt him may be put into as ſpeedy a way of diſpatch, as the Courſes of Parliament will allow.

Firſt, That he may be called to anſwer, and they may have liberty to Reply; That there may be a quick and ſecret examination of Witneſſes, and they may from time to time be acquainted with the Depoſitions; that ſo when the Cauſe ſhall be ripe for Judgment, they may collect the ſeveral Examinations, and repreſent to your Lordſhips in one entire Body the ſtate of the Proofs, as now by me they have preſented to you the ſtate of the Charge.

Of which Mr. *Pym* having given an account to the Houſe, had the Thanks of the Houſe returned for his well delivery of the Charge againſt the Earl of *Strafford*.

Earl of *Strafford* ſent to the *Tower*.

After this Impeachment was Read, the Earl was ſent for to the Houſe of Lords, and acquainted with the Order of their Lordſhips for his Commitment to the *Tower*; upon which occaſion he made a moſt Moving and Eloquent Speech, but I have not been able to retrieve it, the Journal where it is Entred being according to an Act of Parliament after the Reſtauration of King *Charles* the Second wholly obliterated.

Friday, Nov. 27.

The Earl being thus Committed, he Petitioned the Lords to have Counſel aſſigned him, which was allowed, and

Mr. *Richard Lane* the Prince's Attorney, Mr. Recorder of *London*, Mr. *Jo. Lightfoot*, Mr. *Hugh Windham*, Serjeant *Rolles*, Mr. *Platt*, and Mr. *Geo. Love* were appointed to be his Counſel.

Monday, Novemb. 30.

Upon the 30 of *November* a Conference was between a Committee of the Two Houſes concerning the Examination of Witneſſes and other things preparatory to the Trial of the Earl, where the Lords agreed, *That ſuch Members of the Houſe of Commons as they ſhall appoint ſhall be preſent at the Examination of Witneſſes*; and the Lords who were appointed to take the Examination of the Witneſſes, were

Earl of *Bath*, Earl of *Bedford*, Earl of *Hartford*, Earl of *Eſſex*, Lord *Wharten*, Lord *Kimbolton*, Lord *Brook*, Lord *Roberts*, Lord *Savile*, Lord Viſcount *Say* and *Seal*, who were impowered to give an Oath to the Attendants, Witneſſes, and the Commons who were to be preſent, of Secreſie, till the publication of the Evidence.

Thurſday Dec. 3. Committee to Examine Evidence, an Oath of Secrecy adminiſtred.

The Commoners choſen by their Houſe to be preſent at this Examination, were

Mr. *Selden*, Mr. *Dutton*, Mr. *Crew*, Sir *Peter Hayman*, Mr. *Grimſton*, Sir *Henry Anderſon*, Sir *Nevil Pool*, Sir *Tho. Barrington*, who were all required to declare, *That by their Duty they owe to this Houſe, they are obliged to keep all thoſe Examinations ſecret*; who accordingly did every one make an open proteſtation that they would.

Commons to be preſent at the Examination, their Proteſtation.

The Earl alſo Petitioned to be heard at the time of the preparatory Examinations, but was denied.

Among the Reſt of the Witneſſes Examined againſt the Earl, Sir *David Fowles* was one, who at the ſame time had a Petition depending in the Houſe of Lords delivered *Jan.* 12, craving to be diſcharged of the Fine of Three thouſand pounds impoſed upon him by Decree of the Star-Chamber for Scandalous words againſt the Earl of *Strafford.*

Upon the 30th of *Jan.* a Day ſo Fatal to King *Charles* the Firſt, the further Impeachment of the Earl of *Strafford* conſiſting in 28 Articles, was by Mr. *Pym* carried up to the Lords, which were as follow.

Saturday, Jan. 30.

Articles of the Commons Aſſembled in Parliament, againſt *Thomas* Earl of *Strafford*, in maintenance of their Accuſation whereby he ſtands Charged with High Treaſon.

The further Impeachment of the Earl of *Strafford*, *Jan.* 30.

W*Hereas the ſaid* Commons *have already Exhibited Articles againſt the ſaid Earl* in hæc verba, &c. *Now the ſaid* Commons *do further Impeach the ſaid Earl as followeth. (That is to ſay)*

I.

That the ſaid Earl of Strafford *the* 21 *day of* March *in the Eighth Year of his Majeſties Reign was Preſident of the Kings Council in the* Northern *Parts of* England.

That the ſaid Earl being Preſident of the ſaid Council, on the 21 *of* March, *a Commiſſion under the Great Seal of* England *with certain* Schedules *of Inſtructions thereunto annexed, was directed to the ſaid Earl or others of the Commiſſioners therein named, whereby among other things, Power and Authority is limited to the ſaid Earl and others the Commiſſioners therein named, to hear and determine all Offences and Miſdemeanors, Suits, Debates, Controverſies and Demands, Cauſes, Things and Matters whatſoever therein contained, and within certain Precincts in the ſaid* Northern *Parts therein ſpecified, and in ſuch manner as by the ſaid* Schedule *is limited and appointed.*

That among other things in the ſaid Inſtructions, it is directed, That the ſaid Preſident and others therein appointed, ſhall hear and determine according to the Courſe of Proceedings in the Court of Star-Chamber, *divers Offences, Deceits and Falſities therein mentioned,* Whether the ſame be provided for by Acts of Parliament or not, ſo that the Fines impoſed be not leſs than by the Act or Acts of Parliament provided againſt thoſe offences is appointed.

That alſo amongſt other things in the ſaid Inſtructions, it is directed that the ſaid Preſident and others therein appointed, have power to examine, hear, and determine, according to the courſe of proceedings in the Court of Chancery, *all manner of Complaints for any matter within the ſaid Precincts, as well concerning Lands, Tenements, and Hereditaments, either Free-hold, Cuſtomary, or Copy-hold, as Leaſes, and other things therein mentioned, and to ſtay proceedings in the Court of Common Law by Injunction, or otherwiſe, by all wayes and means, as is uſed in the Court of* Chancery.

And although the former Preſidents of the ſaid Councel had never put in practice ſuch Inſtructions, nor had they any ſuch Inſtructions, *yet the ſaid Earl in the Moneth of* May *in the ſaid* 8th *Year, and divers Years following, did put in practice, exerciſe, and*

1641.

and uſe, and cauſed to be uſed and put in practice the ſaid Commiſſion and Inſtructions, and did direct and exerciſe an exorbitant and unlawful power and juriſdiction on the perſons and eſtates of his Majeſties Subjects in thoſe parts, and did Diſin-herit divers of his Majeſties Subjects in thoſe parts of their Inheritances, ſequeſtred their Poſſeſſions, and did fine, ranſome, puniſh and impriſon them, and cauſed them to be fined, ranſomed, puniſhed and impriſoned, to their ruine and deſtruction, and namely, Sir Coniers Darcy, Sir John Bourcher and divers others againſt the Laws, and in ſubverſion of the ſame. And the ſaid Commiſſion and Inſtructions were procured and iſſued by the advice of the ſaid Earl.

And he the ſaid Earl, to the intent that ſuch illegal and unjuſt power might be exerciſed with the greater licence and will did adviſe, Counſel, & procure further directions, in and by the ſaid inſtructions to be given, that no prohibition be granted at all, but in caſes where the ſaid Councel ſhall exceed the limits of the ſaid inſtructions: And that if any Writ of Habeas Corpus be granted, the party be not diſcharged till the party perform the Decree and Order of the ſaid Councel.

And the ſaid Earl in the 13. year of his now Majeſties Reign, did procure a new Commiſſion to himſelf and others therein appointed, with the ſaid Inſtructions, and other unlawful additions.

That the ſaid Commiſſion and Inſtructions were procured by the ſolicitation and advice of the ſaid Earl of Strafford.

2. That ſhortly after the obtaining of the ſaid Commiſſion dated the 21 of March, in the 8 year of his now Majeſties Reign (to wit) the laſt day of Auguſt then next following, he the ſaid Earl (to bring his Majeſties liege People into a diſlike of his Majeſty and of his Government, and to terrifie the Juſtices of the Peace from executing of the Laws: He the ſaid Earl, being then Preſident, as aforeſaid, and a Juſtice of Peace) did publickly at the Aſſizes held for the County of York, in the City of York, in and upon the ſaid laſt day of Auguſt, declare and publiſh before the People there attending for the adminiſtration of Juſtice according to the Law, and in the preſence of the Juſtices ſitting; That ſome of the Juſtices were all for Law, but they ſhould find that the Kings little finger ſhould be heavier then the loyns of the Law.

3. That the Realm of Ireland having been time out of mind annexed to the Imperial Crown of England, and governed by the ſame Laws: The ſaid Earl being Lord Deputy of that Realm, to bring his Majeſties liege People of that Kingdom likewiſe into diſlike of his Majeſties Government, and intending the Subverſion of the Fundamental Laws and ſettled government of that Realm, and the deſtruction of his Majeſties liege People there, did upon the 30. day of September, in the ninth year of his now Majeſties Reign, in the City of Dublin (the chief City of that Kingdom, where his Majeſties Privy Councel, and Courts of Juſtice do ordinarily reſide, and whither the Nobility and Gentry of that Realm do uſually reſort for Juſtice,) in a publick Speech before divers of the Nobility and Gentry, and before the Mayor, Aldermen and Recorder, and many Citizens of Dublin, and other his Majeſties Liege People, declare and publiſh, that Ireland was a conquered Nation, and that the King might do with them what he pleaſed: and ſpeaking of the Charters of the former Kings of England made to that City, he further ſaid that their Charters were nothing worth, and did bind the King no further then he pleaſed.

4. That Richard Earl of Cork, having ſued out proceſs in courſe of Law for recovery of his Poſſeſſions, from which he was put, by colour of an order made by the ſaid Earl of Strafford, and the Councel Table of the ſaid Realm of Ireland. The ſaid Earl of Strafford, upon a paper Petition without legal proceeding, did the 20. day of February, in the 11. year of his now Majeſties Reign, threaten the ſaid Earl of Cork (being then a Peer of the ſaid Realm) to Impriſon him, unleſs he would ſurceaſe his ſuit, and ſaid, That he would have neither Law nor Lawyers diſpute or queſtion any of his orders. And the 20. day of March in the ſaid 11. year, the ſaid Earl of Strafford, ſpeaking of an order of the ſaid Councel Table of that Realm, in the time of King James, which concerned a Leaſe which the ſaid Earl of Cork claimed in certain Rectories or Tithes which the ſaid Earl of Cork alledged to be of no force, ſaid, That he would make the ſaid Earl, and all Ireland know, ſo long as he had the Government there, any Act of State, there made or to be made, ſhould be as binding to the Subjects of that Kingdome, as an Act of Parliament; And did queſtion the ſaid Earl of Corke in the Caſtle Chamber, upon pretence of the breach of the ſaid order of Councel Table, and did ſundry other times, and upon ſundry other occaſions,

caſions, by his words and ſpeeches arrogate to himſelf a power above the fundamental Laws, and Eſtabliſhed Government of that Kingdom, and ſcorned the ſaid Laws and eſtabliſhed Government.

5 *That according to ſuch his Declarations and Speeches, the ſaid Earl of* Strafford *did uſe and exerciſe a power above, and againſt, and to the Subverſion of the ſaid fundamental Laws, and eſtabliſhed Government of the ſaid Realm of* Ireland, *extending ſuch his power, to the Goods, Free-holds, Inheritances, Liberties, and Lives of his Majeſties Subjects in the ſaid Realm,* viz. *The ſaid Earl of* Strafford *the twrefth day of* December, Anno Domini 1635. *in the time of full peace, did in the ſaid Realm of* Ireland, *give and procure to be given againſt the Lord* Mount Norris *(then and yet a Peer of* Ireland, *and then Vice-Treaſurer and receiver general of the Realm of* Ireland, *and one of the principal Secretaries of State, and Keeper of the Privy Signet of the ſaid Kingdom, a Sentence of death by a Councel of War called together by the ſaid Earl of* Strafford, *without any Warrant or Authority of Law, or offence deſerving any ſuch puniſhment. And he the ſaid Earl did alſo at* Dublin, *within the ſaid Realm of* Ireland, *in the Month of* March, *in the fourteenth year of his Majeſties Reign without any legal or due proceedings or Tryal, give, or cauſe to be given, a Sentence of death againſt one other of his Majeſties Subjects, whoſe name is yet unknown, and cauſed him to be put to death in execution of the ſaid Sentence.*

6 *That the ſaid Earl of* Strafford, *without any legal proceedings, and upon a paper Petition of* Richard Rolſtone, *did cauſe the ſaid Lord* Mount-Norris *to be diſſeized and put out of poſſeſſion of his free-hold and inheritance of his* Mannor *and* Tymore *in the Countrey of* Armagh, *in the Kingdom of* Ireland, *the ſaid Lord* Mount-Norris *having been two years before in quiet poſſeſſion thereof.*

7. *That the ſaid Earl of* Strafford, *in the Term of holy Trinity, in the thirteenth year of his now Majeſties Reign, did cauſe a caſe, commonly called the caſe of Tenures upon defective Titles, to be made and drawn up without any Jury or Trial, or other legal proceſs, and without the conſent of parties, and did then procure the Judges of the ſaid Realm of* Ireland *to deliver their opinions and reſolutions to that caſe, and by colour of ſuch opinion, did without any legal proceeding cauſe* Thomas *Lord* Dillon, *a Peer of the ſaid Realm of* Ireland, *to be put out of poſſeſſion of divers Lands, and Tenements, being his Free-hold in the Countrey of* Mago *and* Roſcomen, *in the ſaid Kingdome, and divers other of his Majeſties Subjects to be alſo put out of Poſſeſſion, and Diſſeiſed of their Freehold by colour of the ſame reſolution, without legal proceedings, whereby many hundreds of his Majeſties Subjects were undone, and their Families utterly ruinated.*

8. *That the ſaid Earl of* Strafford *upon a Petition of Sir* John Gifford *Knight, the firſt day of* February, *in the ſaid Thirteenth Year of his Majeſties Reign, without any legal Proceſs,* made a Decree or Order againſt *Adam Viſcount* Loftus of Ely, *a Peer of the ſaid Realm of* Ireland, *and* Lord Chancellor *of* Ireland, *and did cauſe the ſaid* Viſcount *to be Impriſoned and kept cloſe Priſoner, on pretence of Diſobedience to the ſaid Decree or Order.*

And the ſaid Earl without any Authority, and contrary to his Commiſſion, required and commanded the ſaid Lord Viſcount to yield unto him the Great Seal of the Realm of Ireland, *which was then in his cuſtody by his Majeſties Command, and Impriſoned the ſaid Chancellour for not obeying ſuch his Command.*

And without any Legal Proceedings, did in the ſame Thirteenth Year Impriſon George *Earl of* Kildare, *a Peer of* Ireland, *againſt Law, thereby to enforce him to ſubmit his Title to the Mannor and Lordſhip of* Caſtle Leigh *in the* Queens County, *(being of great yearly value) to the ſaid Earl of* Strafford's *Will and Pleaſure, and kept him a year priſoner for the ſaid cauſe, two moneths whereof he kept him cloſe Priſoner, and refuſed to enlarge him, notwithſtanding his Majeſties Letters for his enlargement to the ſaid Earl of* Strafford *directed.*

And upon a Petition exhibited in October, 1635. *by* Thomas Hibbots, *againſt Dame* Mary Hibbots *Widow, to him the ſaid Earl of* Strafford, *the ſaid Earl of* Strafford *recommended the ſaid Petition to the Councel Table of* Ireland, *where the moſt part of the Councel gave their Vote and Opinion for the ſaid Lady, but the ſaid Earl finding fault herewith, cauſed an Order to be entred againſt the ſaid Lady, and threatned her that if ſhe refuſed to ſubmit thereunto, he would Impriſon her, and Fine her five hundred pounds, that if ſhe continued obſtinate, he would continue her Impriſonment, and double her Fine every Moneth, by means whereof ſhe was enforced to relinquiſh her*

Eſtate in the Lands queſtioned in the ſaid Petition, which ſhortly was conveyed to Sir Robert Meredith, *to the uſe of the ſaid Earl of* Strafford.

And the ſaid Earl in like manner did Impriſon divers others of his Majeſties Subjects upon pretence of Diſobedience to his Orders and Decrees, and other illegal Commands by him made for pretended Debts, Titles of Lands, and other Cauſes in an Arbitrary and Extrajudicial courſe upon Paper Petitions to him preferred, and no other cauſe legally depending.

9. *That the ſaid Earl of* Strafford *the Sixteenth day of* February, *in the Twelfth Year of his now Majeſties Reign, aſſuming to himſelf a power above and againſt Law, took upon him by a general* Warrant *under his hand, to give power to the Lord Biſhop of* Down, *and* Connor *his Chancellor, or Chancellors, to their ſeveral Officers thereto to be appointed, to attach and arreſt the Bodies of all ſuch of the meaner and poorer ſort, who after Citation ſhould either refuſe to appear before them, or appearing ſhould omit, or deny to perform, or undergoe all lawful Decrees, Sentences, and orders, iſſued, impoſed, or given out againſt them, and them to commit and keep in the next Goal, until they ſhould either perform ſuch ſentences, or put in ſufficient Bail to ſhew ſome reaſon before the Councel Table, of ſuch their contempt and neglect; and the ſaid Earl, the day and year laſt mentioned, ſigned and iſſued a Warrant to that effect, and made the like Warrant to ſend to all other Biſhops and their Chancellors in the ſaid Realm of* Ireland *to the ſame effect.*

10 *That the ſaid Earl of* Strafford *being Lord Lieutenant, or Deputy of* Ireland, *procured the Cuſtomes of the Merchandize exported out, and imported into that Realm to be farmed to his own uſe.*

And in the Ninth Year of his now Majeſties Reign, he having then intereſt in the ſaid Cuſtomes (to advance his own gain and lucre) did cauſe and procure the native Commodities of *Ireland*, to be rated in the Book of Rates for the Cuſtomes, *(according to which the Cuſtomes were uſually gathered)* at far greater values and prices than in truth they were worth *(that is to ſay)* every Hide at twenty Shillings, which in truth was worth but five Shillings, every ſtone of Wool at thirteen ſhillings four-pence, though the ſame ordinarily were worth but five Shillings, at the utmoſt but nine Shillings; by which means the Cuſtome, which before was but a twentieth part of the true value of the Commodity, was inhanſed ſometimes to a fifth part, and ſometimes to a fourth, and ſometimes to a third part of the true value, to the great oppreſſion of the Subjects, and decay of *Merchandize*.

11 *That the ſaid Earl, in the Ninth Year of his now Majeſties reign, did by his own will and pleaſure, and for his own lucre reſtrain the exportation of the Commodities of that Kingdome without his Licence,* as namely Pipe-ſtaves, *and other Commodities, and then raiſed great Sums of Money for licenſing of exportation of thoſe Commodities, and diſpenſation of the ſaid reſtraints impoſed on them, by which means the* Pipe-ſtaves *were raiſed from four pound ten ſhillings; or five pound* per *thouſand to ten pound, and ſometimes eleven pound* per *thouſand; and other Commodities were inhanced in the like proportion, and by the ſame means by him the ſaid Earl.*

12 *That the ſaid Earl being* Lord Deputy of Ireland, *on the ninth day of* January *in the Thirteenth Year of his Majeſties Reign, did then under colour to Regulate the Importation of Tobacco into the ſaid Realm of* Ireland *iſſue a Proclamation in his Majeſties Name, prohibiting the importation of Tobacco without licence of him and the Councel there, from and after the firſt day of* May, Anno Dom. 1638. *after which reſtraint the ſaid Earl, notwithſtanding the ſaid reſtraint, cauſed divers great quantities of Tobacco to be imported to his own uſe, and fraughted divers Ships with Tobacco, which he imported to his own uſe: and that if any Ship brought Tobacco into any Port there, the ſaid Earl and his Agents uſed to buy the ſame to his own uſe, at their own price. And if that the owners refuſed to let him have the ſame at under values, then they were not permitted to vent the ſame; by which undue means, the Earl having gotten the whole Trade of Tobacco into his own hands, he ſold it at great and exceſſive prizes, ſuch as he liſt to impoſe for his own profit.*

And the more to aſſure the ſaid Monopoly of Tobacco, he the ſaid Earl on the three and twentieth day of February, *in the Thirteenth Year aforeſaid, did iſſue another Proclamation, commanding that none ſhould put to Sale any Tobacco by whole ſale, from and after the laſt day of* May, *then next following, but what ſhould be made up into Rolls, and the ſame Sealed with two Seals by himſelf appointed, one at each end of the Roll. And ſuch as was not Sealed to be ſeiſed, appointing ſix pence the pound for a reward to ſuch perſons as ſhould ſeize the ſame: and the perſons in whoſe cuſtody the unſealed Tobacco ſhould* be found, to be committed to Goal, which laſt Proclamation was covered by a pretence for the reſtraining of the Sale of unwholeſome Tobacco, but it was truely to advance the ſaid Monopoly.

Which Proclamation, the ſaid Earl did rigorouſly put in execution, by ſeizing the Goods, Fining, Impriſoning, Whipping, and putting the offenders againſt the ſame Proclamation on the Pillory, as namely Barnaby Hubbard, Edward Covena, John Tumen, and divers others: and made the Officers of State, and Juſtices of Peace, and other Officers to ſerve him in compaſſing and executing theſe unjuſt and undue courſes, by which Cruelties and unjuſt Monopolies, the ſaid Earl raiſed 100000 li. per annum gain to himſelf. And yet the ſaid Earl though he inhanced the Cuſtomes, where it concerned the Merchants in general, yet drew down the impoſt formerly taken on Tobacco from ſix pence the pound to three pence the pound, it being for his own profit ſo to do.

And the ſaid Earl, by the ſame, and other rigorous and undue means, raiſed ſeveral other Monopolies and unlawful exactions for his own gain, viz. on Starch, Iron-pots, Glaſſes, Tobacco-pipes, and ſeveral other Commodities.

13 That Flax being one of the principal and native Commodities of that Kingdome of Ireland, the ſaid Earl having gotten great quantities thereof into his hands, and growing on his own Lands, did iſſue out ſeveral Proclamations, viz. one dated the one and twentieth day of May, in the Eleventh of his Majeſties Reign, and the other dated the one and thirtieth day of January, in the ſame year, thereby preſcribing and injoyning the working of Flax into Yearn and Thread, and the ordering of the ſame in ſuch ways wherein the Natives of that Kingdom were unpractiſed and unskilful: which Proclamations ſo iſſued, were by his Commands and Warrants to his Majeſties Juſtices of Peace, and other officers, and by other rigorous means put in execution, and the Flax wrought or ordered in other manner than as the ſaid Proclamation preſcribed, was ſeized and imployed to the uſe of him and his agents, and thereby the ſaid Earl endeavoured to gain, and did gain in effect the ſole Sale of that Native Commodity.

14 That the ſaid Earl of Strafford, by Proclamation dated the Sixteenth of October, in the Fourteenth Year of his Majeſties Reign, did impoſe upon the Owners, Maſters, Purſers, and Boats-ſwains of every Ship, a new and unlawful Oath, viz. that they (two or more of them) immediately after the arrival of any Ship within any Port or Creek in the ſaid Kingdom of Ireland, ſhould give in a true in-voice of the outward balke of Wares and Merchandiſes and number of Goods, and the qualities and condition of the ſaid Goods, as far as to them ſhould be known, the names of the ſeveral Merchants Proprietors of the ſaid Goods, and the places from whence they were fraughted, and whither they were bound to diſcharge: which Proclamation was accordingly put in execution, and ſundry perſons enforced to take the ſaid unlawful Oath.

15 That the ſaid Earl of Strafford Trayterouſly and wickedly deviſed and contrived by force of Armes in a warlike manner to ſubdue the Subjects of the ſaid Realm of Ireland, to bring them under his Tyrannical power and will, and in purſuance of his wicked and Trayterous purpoſes aforeſaid, the ſaid Earl of Strafford in the Eighth Year of his Majeſties Reign, did by his own Authority, without any warrant or colour of Law, tax and impoſe great Sums of Money upon the Towns of Baltemore, Baudenbridge, Talowe, and divers other Towns and Places in the ſaid Realm of Ireland, and did cauſe the ſame to be levied upon the Inhabitants of thoſe Towns by Troops of Souldiers, with Force and Arms, in a warlike manner. And on the Ninth day of March, in the Twelfth Year of his now Majeſties Reign, Traiterouſly did give Authority unto Robert Savile, a Serjeant at Armes, and to the Captains of the Companies of Souldiers, in ſeveral parts of that Realm, to ſend ſuch numbers of Souldiers to lye on the Lands and Houſes of ſuch as would not conform to his orders untill they ſhould render obedience to his ſaid orders and warrants, and after ſuch ſubmiſſion (and not before) the ſaid Souldiers to return to their Garriſons. And did alſo iſſue the like Warrants unto divers others, which Warrants were in Warlike manner, with Force and Arms put in Execution accordingly, and by ſuch Warlike means did force divers of his Majeſties Subjects of that Realm, to ſubmit themſelves to his unlawful Commands.

And in the ſaid Twelfth Year of his Majeſties Reign, the ſaid Earl of Strafford did Traiterouſly cauſe certain Troops of Horſe and Foot, armed in Warlike manner, and in Warlike aray, with Force and Armes to expell Richard Butler from the poſſeſſion of Caſtle-Cumber, in the Territory of Idough, in the ſaid Realm of Ireland, and did likewiſe and in like Warlike manner, expel divers of his Majeſties Subjects from their Houſes, Families, and Poſſeſſions, as namely Ed. Brenman, Owen Oberman, Patrick Oberman,

1641.

Oberman, Sir Cyprian Horsfield, and divers others, to the number of about an hundred Families, and took and impriſoned them and their Wives, and carried them Priſoners to Dublin, and there detained them untill they did yield up, ſurrender, or releaſe their reſpective Eſtates and Rights.

And the ſaid Earl in like Warlike manner, hath during his Government of the ſaid Kingdom of Ireland, ſubdued divers others of his Majeſties Subjects eaſily to his Will, and thereby, and by the means aforeſaid, hath levied War within the ſaid Realm againſt his Majeſty, and his Liege People of that Kingdom.

16. That the ſaid Earl of Strafford, the Two and twentieth of February, in the Seventh Year of his now Majeſties Reign, intending to oppreſs the ſaid Subjects of Ireland, did make a Propoſition, and obtained from his Majeſtie an allowance, That no Complaint of Injuſtice or Oppreſſion done in Ireland, ſhould be received in England againſt any, unleſs it firſt appeared, that the Party made firſt his addreſs to him the ſaid Earl: and the ſaid Earl having by ſuch uſurped, tyrannical, and exorbitant Power, expreſſed in the former Articles, deſtroyed the Peers and other Subjects of that Kingdom of Ireland, in their Lives, Conſciences, Land, Liberties, and Eſtates, the ſaid Earl to the intent the better to maintain and ſtrengthen his power, and to bring the People into a diſaffection of his Majeſtie, as aforeſaid, did uſe his Majeſties Name in the execution of his ſaid power.

And to prevent the Subjects of that Realm of all means of Complaints to his Majeſty, and of Redreſs againſt him and his Agents, did iſſue a Proclamation, bearing date the Seventeenth day of September, in the Eleventh Year of his Majeſties Reign, thereby commanding all the Nobility, Undertakers, and others who held Eſtates and Offices in the ſaid Kingdome, (except ſuch as were imployed in his Majeſties Service, or attending in England by his Special Command) to make their perſonal Reſidence in the ſaid Kingdom of Ireland, and not depart thence without Licence of himſelf.

And the ſaid Earl hath ſince iſſued other Proclamations to the ſame purpoſe, by means whereof the Subjects of the ſaid Realm are reſtrained from ſeeking Relief againſt the oppreſſions of the ſaid Earl, without his Licence: which Proclamation the ſaid Earl hath by ſeveral rigorous wayes, as by Fine, Impriſonment, and otherwiſe, put in execution on his Majeſties Subjects, as namely, one —— Parry, and others, who came over only to complain of the Exorbitances and Oppreſſions of the ſaid Earl.

17. That the ſaid Earl having by ſuch means as aforeſaid, ſubverted the Government and Lawes of the Kingdom of Ireland, did in March in the Sixteenth year of his Majeſties Reign, in Scandal of his Majeſty, of all his Kingdoms, and in further Execution of his wicked purpoſes aforeſaid, ſpeaking of the Armies in Ireland, declare, That his Majeſty was ſo well pleaſed with the Army of Ireland, and the conſequence thereof, that his Majeſty would certainly make the ſame a pattern for all his Three Kingdoms.

18 That the ſaid Earl of Strafford, for the better effecting of his Trayterous deſigns, and wicked purpoſes, did indeavour to draw dependency upon himſelf of the Papiſts in both Kingdoms of England and Ireland, and to that end during the time of Government in Ireland, he reſtored divers Frieries, and Maſs-houſes, (which had been formerly ſuppreſſed by precedent Deputies of that Kingdom, two of which houſes were in the City of Dublin, and had been aſſigned to the uſe of the Univerſity there) to the pretended Owners thereof, who have ſince imployed the ſame to the Exerciſe of the Popiſh Religion.

And in the Moneth of May and June laſt, the ſaid Earl did raiſe an Army in the ſaid Realm, conſiſting of Eight thouſand Foot, all of which, except one thouſand, or thereabouts, were Papiſts, and the ſaid One thouſand were drawn out of the Old Army there, conſiſting of Two thouſand Foot; and in their places there were a thouſand Papiſts, or thereabouts put into the ſaid Old Army by the ſaid Earl.

And the more to ingage and tye the new Army of Papiſts to himſelf, and to encourage them, and to diſcourage and wear out the Old Army, the ſaid Earl did ſo provide; That the ſaid New Army of Papiſts were duly payed, and had all Neceſſaries provided for them, and permitted the Exerciſe of their Religion; but the ſaid Old Army were for the ſpace of one whole Year and upwards unpaid.

And that the ſaid Earl being appointed a Commiſſioner with Eleven ſeveral Counties in the Northern Parts of England, for Compounding with Recuſants for their Forfeitures due to his Majeſty; which Commiſſion beareth date the Eighth day of July, in the Fifth Year of his Majeſties Reign that now is, and being alſo Receiver of the Compoſition Money thereby ariſing, and of other Debts, Duties, and Penalties for his Majeſties Uſe, by Letters Patents dated the 9. day of the ſaid July: he, to engage the ſaid Recuſants to him, did compound with them at low and under Rates, and provided, that they ſhould be *diſcharged of all proccedings againſt them, in all his Majeſties Courts, both Temporal and Eccleſiaſtical, in manifeſt breach of, and contrary to the Lawes and Statutes of this Realm, in that behalf eſtabliſhed.*

19. *That the ſaid Earl having Taxed and Levied the ſaid Impoſitions, and raiſed the ſaid Monopolies, and committed the ſaid Oppreſſions in his Majeſties Name, and as by his Majeſties Royal Command, he the ſaid Earl in* May *the* 15th *Year of his Majeſties Reign, did of his own authority contrive and frame a new and unuſual Oath, by the purport whereof among many other things, the party taking the ſaid Oath, was to ſwear that he ſhould not proteſt againſt any of his Majeſties Royal Commands, but ſubmit themſelves in all Obedience thereunto. Which Oath he ſo contrived to enforce the ſame on the Subjects of the* Scottiſh *Nation, inhabiting in* Ireland, *and out of a hatred to the ſaid Nation, and to put them to a Diſcontent with his Majeſty, and his Government there, and compelled divers of his Majeſties ſaid Subjects there to take the ſaid Oath, ſome he grievouſly Fined and Impriſoned, and others he deſtroyed and Exiled, and namely the* 10th *of* October, Anno Dom. 1639. *he fined* Henry Steward *and his Wife, who refuſed to take the ſaid Oath,* 5000 *pounds apiece, and their two Daughters and* James Gray, 3000 *pounds apiece, and Impriſoned them for not paying the ſaid Fines. The ſaid* Henry Steward's *Wife and Daughters, and* James Gray, *being the Kings Liege People of the* Scottiſh *Nation; and divers others he uſed in like manner: And the ſaid Earl upon that occaſion did declare,* That the ſaid Oath did not onely oblige them in point of Allegiance to his Majeſty, and acknowledgment of his Supremacy only, but to the Ceremonies and Government of the Church eſtabliſhed; or to be eſtabliſhed by his Majeſties Royal Authority; *and ſaid,* That the refuſers to obey, he would proſecute to the blood.

20. *That the ſaid Earl in the* 15 *and* 16 *Years of his Majeſties Reign, and divers years paſt, laboured and endeavoured to beget in his Majeſty an ill Opinion of his Subjects, namely, thoſe of the* Scottiſh *Nation, and divers and ſundry times, and eſpecially ſince the Pacification made by his Majeſty with his ſaid Subjects of* Scotland *in Summer, in the* 15th *Year of his Majeſties Reign; he, the ſaid Earl did labour and endeavour to perſwade, incite, and provoke his Majeſty to an Offenſive War againſt his ſaid Subjects of the* Scottiſh *Nation: And the ſaid Earl by his Counſel, Actions and Endeavours, hath been and is a principal and chief Incendiary of the War and Diſcord between his Majeſty and his Subjects of* England, *and the ſaid Subjects of* Scotland, *and hath declared and adviſed his Majeſty,* That the Demand made by the *Scots* in this Parliament were a ſufficient cauſe of War againſt them.

The ſaid Earl having formerly expreſſed the height and rancor of his mind towards his Subjects of the Scottiſh Nation, viz. *the tenth day of* October, *in the* 15 *year of his Majeſties Reign, he ſaid that the Nation of the* Scots *were Rebels, and Traytors, and he being then about to come to* England, *he then further ſaid, That if it pleaſed his Maſter (meaning his Majeſty) to ſend him back again, he would root out of the ſaid Kingdome (meaning the Kingdom of* Ireland*) the Scottiſh Nation both root and branch.*

Some Lords and others, who had taken the ſaid Oath in the precedent Article onely excepted: and the ſaid Earl hath cauſed divers of the ſaid Ships and Goods of the Scots *to be ſtayed, ſeized, and moleſted, to the intent to ſet on the ſaid War.*

21. *That the ſaid Earl of* Strafford, *ſhortly after his Speeches mentioned in the laſt precedent Article, to wit, in the fifteenth year of his Majeſties Reign, came into this Realm of* England, *and was made Lord Lientenant of* Ireland, *and continued his Government of that Kingdom by a Deputy: At his arrival here, finding that his Majeſty with much wiſedom and goodneſs had compoſed the troubles in the North, and had made a Pacification with his Subjects of* Scotland; *he laboured by all means to procure his Majeſty to break that Pacification, incenſing his Majeſty againſt his Subjects of that Kingdome, and the proceedings of the Parliament there.*

And having incenſed his Majeſty to an offenſive War againſt his ſaid Subjects of Scotland, *by Sea and by Land, and by pretext thereof, to raiſe Forces for the maintenance of that War, he counſelled his Majeſty to call a Parliament in* England, *yet the ſaid Earl intended, if the ſaid proceedings of that Parliament ſhould not be ſuch as would ſtand with the ſaid Earl of* Strafford's *miſchievous deſigns he would then procure his Majeſty to break the ſame; and by ways of Force and Power, to raiſe Monies upon the ſaid Subjects of this Kingdom.*

And for the incouragement of his Majeſty to hearken to his advice, he did before his Majeſty and his Privy-Councel, then ſitting in Councel, make a large Declaration,

1641. *that he would ſerve his Majeſty in any other way, in caſe the Parliament ſhould not ſupply him.*

22. *That in the month of* March, *before the beginning of the laſt Parliament, the ſaid Earl of* Strafford *went into* Ireland, *and procured the Parliament of that Kingdome to declare their aſſiſtance in a War againſt the* Scots. *And gave directions for the raiſing of an Army conſiſting of* 8000 *Foot, and* 1000 *Horſe, being for the moſt part Papiſts, as aforeſaid. And confederating with one Sir* George Radcliffe, *did together with him the ſaid Sir* George, *Trayterouſly conſpire to employ the ſaid Army for the ruine and deſtruction of the Kingdome of* England, *and of his Majeſties Subjects, and of altering and ſubverting of the Fundamental Laws of this Kingdome.*

And ſhortly after, the ſaid Earl of Strafford *returned into* England, *and to ſundry perſons declared his opinion to be,* That his Majeſty ſhould firſt try the Parliament here, and if that did not ſupply him according to his occaſions, he might uſe then his Prerogative as he pleaſed, to levy what he needed, and that he ſhould be acquitted both of God and man, if he took ſome other courſes to ſupply himſelf, though it were againſt the will of his Subjects.

23. *That upon the thirteenth day of* April *laſt, the Parliament of* England *met, and the Commons houſe (then being the repreſentative Body of all the Commons in the Kingdome) did according to the truſt repoſed in them, enter into debate and conſideration of the great grievances of this Kingdome, both in reſpect of Religion, and the publick liberty of the Kingdome, and his Majeſty referring chiefly to the Earl of* Strafford, *and the Archbiſhop of* Canterbury, *the ordering and diſpoſing of all matters concerning the Parliament: He the ſaid Earl of* Strafford, *with the aſſiſtance of the ſaid Archbiſhop, did procure his Majeſty by ſundry Speeches and Meſſages, to urge the ſaid Commons houſe to enter into ſome reſolution for his Majeſties Supply, for maintenance of his War againſt his Subjects of* Scotland, *before any courſe was taken for the relief of the great and preſſing Grievances, wherewith this Kingdom was then afflicted. Whereupon, a demand was then made from his Majeſty, of* 12 *Subſidies, for the releaſe of Ship-money only; and while the ſaid Commons then aſſembled (with expreſſions of great affection to his Majeſty and his ſervice) were in debate and conſideration of ſome ſupply, before reſolution by them made, he the ſaid Earl of* Strafford, *with the help and aſſiſtance of the ſaid Archbiſhop, did procure his Majeſty to diſſolve the laſt Parliament, upon the* 5 *day of* May *laſt: and upon the ſame day the ſaid Earl of* Strafford *did Treacherouſly, Falſely, and Maliciouſly endeavour to incenſe his Majeſty againſt his loving and faithful Subjects, who had been Members of the ſaid Houſe of Commons, by telling his Majeſty, they had denied to ſupply him. And afterward upon the ſame, did Treacherouſly and Wickely Counſel and Adviſe his Majeſty to this effect,* viz. That having tried the affections of his People, he was looſe and abſolved from all rules of Government, and was to do every thing that power would admit, and that his Majeſty had tried all ways and was refuſed, and ſhould be acquitted both of God and man, and that he had an Army in *Ireland* (meaning the Army above mentioned, conſiſting of Papiſts, his dependants as is aforeſaid) which he might imploy to reduce this Kingdom to obedience.

24 *That in the ſame month of* May, *he the ſaid Earl of* Strafford, *Falſely, Treacherouſly, and Maliciouſly, publiſhed and declared before others of his Majeſties Privy-Councel, that the Parliament of* England *had forſaken the King, and that in denying to ſupply the King, they had given him the advantage to ſupply himſelf by other ways: and divers other times he did Maliciouſly, Wickedly, and Falſely publiſh and declare, that ſeeing the Parliament had refuſed to ſupply his Majeſty in the ordinary and uſual way, the King might provide for the Kingdome in ſuch ways, as he ſhould hold fit, and that he was not to ſuffer himſelf to be maſtered by the frowardneſs of the People.*

And having ſo maliciouſly ſlandered the ſaid Houſe of Commons, he did with the help and advice of the ſaid Archbiſhop of Canterbury *and the Lord* Finch, *late Lord Keeper of the Great Seal of* England: *cauſe to be printed, and publiſhed in his Majeſties name, a falſe and ſcandalous book entituled,* his Majeſties Declaration *of the cauſes that moved him to diſſolve the laſt Parliament, full of bitter and malicious invectives, and falſe, and ſcandalous aſperſions againſt the ſaid Houſe of Commons.*

25. *That not long after the diſſolution of the ſaid laſt Parliament,* (viz. *In the months of* May *and* June) *He the Earl of* Strafford, *did adviſe the King to go on rigorouſly in levying the Ship-money, and did procure the Sheriffs of ſeveral Countries to be ſent for, for not levying the Ship-money, divers of which were threatned by him to be ſued in the Star-*

Star-Chamber, for not levying the ſame, and divers of his Majeſties loving Subjects were ſent for and impriſoned by his advice, about that and other illegal payments.

And a great loan of a hundred thouſand pounds was demanded of the City of London, *and the Lord Mayor, and the Aldermen and the Sheriffs of the ſaid City, were often ſent for by his advice to the Councel Table, to give an account of their proceedings in raiſing of Ship-money, and furthering of that loan, and were required to certifie the names of ſuch Inhabitants of the ſaid City as were fit to lend, which they with much humility refuſing to do, he the ſaid Earl of* Strafford *did uſe theſe or the like Speeches: viz.* That they deſerved to be put to Fine and Ranſome, and that no good would be done with them, till an example were made of them, and they were laid by the heels, and ſome of the Aldermen hanged up.

26. *That the ſaid Earl of* Strafford *by his wicked Counſel having brought his Majeſty into exceſſive charges without any juſt cauſe, he did in the month of* July *laſt (for the ſupport of the ſaid great charges) counſel and approve two dangerous and wicked Projects: viz.*

To ſeize upon the Bullion, and the money in the Mint.

And to imbaſe his Majeſties Coyn with the mixtures of Braſs.

And accordingly he procured One hundred and thirty thouſand pounds, which was then in the Mint, and belonging to divers Merchants, Strangers, and others, to be ſeized on, and ſtayed to his Majeſties uſe. And when divers Merchants of London, *owners of the ſaid Bullion, came to his houſe to let him underſtand the great miſchief, that courſe would produce here, and in other parts what prejudice it would be to the Kingdome, by diſcrediting the Mint, and hindring the importation of Bullion; he the ſaid Earl told them,* That the City of *London* dealt undutifully and unthankfully with his Majeſty; and that they were more ready to help the Rebel than to help his Majeſty: and that if any hurt came to them, they may thank themſelves; and that it was the courſe of other Princes to make uſe of ſuch Moneys to ſerve their Occaſions.

And when in the ſame Month of July, *the Officers of his Majeſties Mint came to him and gave him divers reaſons againſt the imbaſing the ſaid money, he told them that the* French *King did uſe to ſend Commiſſaries of Horſe with Commiſſion to ſearch into mens Eſtates, and to peruſe their accounts, ſo that they may know what to levy of them by force, which they did accordingly leavy: and turning to the Lord* Cottington, *then preſent, ſaid; That this was a point worthy his Lordſhips conſideration.*

27. *That in or about the Month of* Auguſt *laſt he was made Lieutenant General of all his Majeſties Forces in the Northern parts againſt the* Scots, *and being at* York, *did in the Month of* September *by his own authority, and without any lawful warrant, impoſe a Tax on his Majeſties Subjects in the County of* York *of eight pence* per diem, *for maintenance of every Soldier of the Trained bands of that County, which Sums of Money he cauſed to be levied by force. And to the end to compel his Majeſties Subjects out of fear and Terrour to yield to the payment of the ſame, He did declare that he would commit them that refuſed the payment thereof, and the Soldiers ſhould be ſatisfied out of their Eſtates; and they that refuſed it, were in very little better condition than of High-Treaſon.*

28 *That in the Month of* September *and* October *laſt, he the ſaid Earl of* Strafford, *being certified of the* Scottiſh *Army coming into the Kingdome, and he the ſaid Earl of* Strafford *being Lieutenant General of his Majeſties Army, did not provide to the defence of the Town of* New-Caſtle, *as he ought to have done, but ſuffered the ſame to be loſt, that ſo he might the more incenſe the* Engliſh *againſt the* Scots.

And for the ſame wicked purpoſe, and out of a malicious deſire to ingage the Kings Kingdoms of England *and* Scotland *in a National and Bloody War, he did write to the Lord* Conway *the General of the Horſe, and under the ſaid Earls command, that he ſhould Fight with the* Scottiſh *Army at the paſſage over the* Tyne, *whatſoever ſhould follow; notwithſtanding that the ſaid Lord* Conway *had formerly by Letters informed him the ſaid Earl, that his Majeſties Army then under his command, was not of force ſufficient to encounter the* Scots, *by which advice of his, he did contrary to the duty of his place betray his Majeſties Army then under his command, to apparent danger and loſs.*

All and every which Words, Counſels and Actions of the ſaid Earl of Strafford *Traiterouſly and contrary to his Allegiance to our Soveraign Lord the King, and with* *an intention and endeavour to alienate and withdraw the hearts and affections of the Kings Liege People of all his Realms from his Majeſty, and to ſet a diviſion between them, and to ruine and deſtroy his Majeſties ſaid Kingdoms. For which they do farther impeach him the ſaid* Thomas, *Earl of* Strafford, *of High Treaſon againſt our Soveraign Lord the King, his Crown and Dignity.*

To which, the Earl according to the Order of the Houſe of Lords, prefixing the 23 of *February* for that purpoſe, being brought to their Houſe gave in his Anſwer in two hundred Sheets of Paper; an abſtract whereof as I find it in Mr. *Ruſhworth*'s Trial of *Thomas* Earl of *Strafford*, is here ſubjoined.

The Anſwer of *Tho.* Earl of *Strafford* to the 28 Articles of the Commons *Feb.* 23.

TO the Firſt Article, he ſaith, He conceives that the Commiſſion and Inſtruction differ not from thoſe formerly granted, but refers to them, and that ſuch Alterations and Additions as were made, were (for ought he knoweth) rather for the explanation than for the enlarging of the Juriſdiction, the Care whereof was left to the Secretary of that Council, and to the King's Learned Council, to be paſſed for the good of the King's Service, and the Publick Welfare of that Province; for Legality of the Proceedings, divers eminent Lawyers were joyned with the Preſident, who, for the Legal parts, was by them to be directed. He did not adviſe or procure the enlargement of the Commiſſion and Inſtructions, and he believeth nothing hath been practiced ſince, that was not in former Times, contained in former Commiſſions, under general words. He believeth Sir *Conyers Darcy* was lawfully Fined for Miſdemeanors, as a Juſtice of Peace; and hath heard, he being in *Ireland*, that Sir *John Boucher* was Fined for ſome great Abuſe at the Kings being at *York*, going into *Scotland* to be Crowned; to the Proceedings he refers himſelf. He denies that he hath done any thing by that Commiſſion or Inſtruction, other than he conceived he might by virtue thereof lawfully do.

The little Finger of the Law.

To the Second Article, He denieth the ſpeaking of thoſe words, but ſaith, That 30, 40 *l.* or more, being returned as Iſſues out of the Exchequer, againſt ſome that had compounded for Knighthood, for 10 *l.* or 20 *l.* ſo as the Iſſues far exceeded the Compoſition, and yet would next time have been increaſed. The ſaid Earl upon this occaſion ſaid, That now they might ſee, that the little Finger of the Law was heavier than the King's Loins, which he ſpake to nouriſh good Affections in them towards His Majeſty, and not to threaten or terrifie any, as the Article is ſuppoſed.

Ireland a Conquered Nation.

To the Third Article, he ſaith, *Ireland* is not Governed by the ſame Laws that this Kingdom is, unleſs it be meant by the Common Laws, their Cuſtoms, Statutes, Execution of Martial Laws, Proceedings at Council-Board very much differ, they ſpake not the words in the Article to any ſuch intent; He ſaith, It might be fit enough for him to remember them of the great Obligation they had to the King and His Progenitors, that ſuffered them, being a Conquer'd Nation, to enjoy Freedom and Laws, as their own people of this Kingdom; and it might be, that upon ſome ſuch occaſion, he ſaid to thoſe of *Dublin*, That ſome of their Charters were void, and nothing worth, and did not bind His Majeſty farther than He pleaſed, which he believes to be true, having been formerly ſo informed by His Majeſties Learned Council upon ſundry occaſions.

Lawyers not to diſpute the Orders of the Council-Board, in the Earl of *Cork*'s Caſe.

To the Fourth, he ſaith, That the legal and ordinary Proceeding at Council-Table are, and time out of mind have been by Petition, Anſwers, examination of Witneſſes, as in other Courts of Juſtice concerning *Britiſh* Plantations, the Church and Caſes hence recommended by the King, for the time being, and in Appeals from other Courts there; and the Council-Board have always puniſhed Contempts to Orders there made, to Proclamations, and Acts of State, by Fine and Impriſonment. He ſaith, That it might be, he told the Earl of *Cork*, that he would Impriſon him if he diſobeyed the Orders of the Council-Table, and that he would not have Lawyers diſpute or queſtion thoſe Orders, and that they ſhould bind, but remembreth not the Compariſon of Acts of Parliament; and he hath been ſo far from ſcorning the Laws, that he hath endeavoured to maintain them; the Suit againſt the Earl, in the *Caſtle-Chamber*, was concerning the Poſſeſſions of

1641.

of the Colledge of *Youghall*, worth 6 or 700 *l.* which he had endeavoured to get, by cauſing of unlawful Oaths to be taken, and very undue means, the matter proceeded to Examination and Publication of Witneſſes, and after, upon the Earl of *Cork*'s humble Suit, and payment of 15000 *l.* to His Majeſty, and his acknowledgment of his Miſdemeanors, obtained a Pardon, and the Bill and Proceedings were taken off the Files; and he remembers not any Suit for breach of any Order made at Council Table.

Lord *Mountnorris* ſentenced to ſuffer death by Martial Law.

To the Fifth, he ſaith, The Deputies and Generals of the Army have always executed *Martial Law*, which is neceſſary there; and the Army, and the Members thereof, have been long time Governed by printed Orders, according to which, divers, by Sentence of the Council of War, have formerly been put to death as well in the time of Peace as War. The Lord *Mountnorris*, being a Captain of a Company in the Army, for mutinous words againſt the ſaid Earl, General of that Army, and upon two of thoſe ancient Orders was proceeded againſt by a Council of War, being the Principal Officers of the Army, about twenty in number, and by them, upon clear Evidence, Sentenced to Death, wherein the ſaid Earl was no Judge, but laboured ſo effectually with His Majeſty, that he obtained the Lord *Mountnorris*'s Pardon, who, by that Sentence, ſuffered no perſonal hurt or damage, ſave about two days Impriſonment. And as to the other Perſons, he can make no Anſwer thereunto, no particulars being deſcribed.

The Lord *Mountnorris* put out of Poſſeſſion.

To the Sixth, he ſaith, The Suit had depended many years in *Chancery*, and the Plaintiff Complaining of that delay, the ſaid Earl, upon a Petition, (as in ſuch Caſes hath been uſual) calling to him the then Maſter of the Rolls, the now Lord Chancellor, and the Chief Juſtice of the *Common-Pleas*, upon the Proofs in the *Chancery*, decreed for the Plaintiff, to which he refers himſelf, and it may be the Lord *Mountnorris* was thereupon put out of his Poſſeſſion.

Lord *Dillon* his Patent queſtioned.

To the Seventh, he ſaith, His Majeſty being Intituled to divers Lands, upon an Inquiſition found, Proclamation was made, That ſuch as Claimed by Patent ſhould come in by a day, and have their Patents allowed, as if they had been found in the Inquiſition, and accordingly divers were allowed. The Lord *Dillon* produced His Patent, which being queſtionable, he conſented, and deſired that a Caſe might be drawn, which was drawn by Counſel, and argued, and the Judges delivered their Opinions, but the Lord *Dillon*, nor any other, were bound thereby, or put out of Poſſeſſion, but might have traverſed the Office, or otherwiſe legally have proceeded, that Caſe or Opinion notwithſtanding.

The Lord *Loftus* cloſe Priſoner, not delivering the Great Seal.

To the Eighth, he ſaith, That upon Sir *John Gifford*'s Petition to the King, His Majeſty referred it to the Deputy and Council of *Ireland*, where the matter proceeding legally to a Decree againſt the Lord *Loftus*, and upon his Appeal, that Decree, by his Majeſty and his Council of *England*, was confirmed, to which Decree and Order he refers himſelf, believing the Lord *Loftus* was committed for diſobeying that Decree, and for continuance in contempt committed cloſe Priſoner. He ſaith, That the Lord *Loftus* having committed divers Contempts, the Council by Warrant required him to appear at the Board, and to bring the Great Seal with him; which Order he diſobeyed, and was ſhortly after Committed, and the Great Seal was delivered up by his Majeſties expreſs Command, and not otherwiſe. And an Information was exhibited in the *Star-Chamber*, for grievous Oppreſſions done by the Lord *Loftus* as Chancellor, whereof he was ſo far from juſtifying, as that he ſubmitted, deſiring to be an Object of his Majeſties Mercy, and not of his Juſtice.

The Earl of *Kildare* Committed.

The Earl of *Kildare* for not performing of an Award made by King *James*, and of an Award made in purſuance thereof, by the ſaid Earl of *Strafford*, upon a Reference from His Majeſty, was by the Deputy and Council Committed, and a Letter being unduly obtained, he did not thereupon enlarge him; but upon another Letter, and ſubmiſſion to the Orders, as by the King was directed, he was enlarged.

The Lady *Hibbots*, and one *Hoy* her Son, having upon a Petition, Anſwer, Examination of Witneſſes, and other Proceedings at Council-Board, been found to have committed foul abuſes by Fraud and Circumvention, to have made a Bargain with the Petitioner *Hibbots*, for Lands of a great value, for a ſmall ſum of Money, was Ordered to deliver up the Writing, no Aſſurances being perfected, or Money paid, and it's like he threatned her with Commitment if ſhe obeyed not that Order, but denieth that the Lands were after ſold to Sir *Robert Meredith* to his uſe, or that by any Order by himſelf made, any one hath been Impriſoned concerning Freeholds, but for debts and perſonal things, as ſome have been uſed by all his Predeceſſors in like Cauſes.

To the Ninth, he ſaith, Warrants to ſuch Effects have been uſually granted to the Biſhops in *Ireland*, in the times of all former Deputies; but the Earl not ſatisfied with the conveniency thereof, refuſed to give any ſuch Warrants in general to the Biſhops as had been formerly done; but being informed that divers in the Dioceſs of *Down* gave not fitting Obedience, he granted a Warrant to that Biſhop, whereto he referreth, which was the only Warrant he granted of that Nature, and hearing of ſome Complaints of the Execution thereof, he recalled it.

To the Tenth, he ſaith, The Lord Treaſurer *Portland* offered the Farm of the Cuſtoms for 13000 *l. per annum* in ſome particular Species, but the Earl of *Strafford* advanced the ſame Cuſtoms to 15500 *l. per annum*, and 8000 *l.* Fine, and by His Majeſties Command became a Farmer at thoſe Rates propoſed, without addition to thoſe Rates, as by the printed Books 7 *Car. Regis* may appear; he diſſwaded the advance of Rates lately propoſed by Sir *Abraham Dawes*, ſo as it was declined; the Rates of Hydes and Wooll are moderate, conſideration being had of their true value, and of the Places whereto they are to be tranſported, and of the Statute made in the time of Queen *Elizabeth*, and there in force, prohibiting the Exportation of Wooll, unleſs they pay to the Crown 5 *s.* the Stone; the Trade and Shipping of that Kingdom are exceedingly increaſed.

To the Eleventh, he ſaith, Pipe-ſtaves were prohibited in King *James*'s Time, and not Exported, but by Licence from the Lord Treaſurer of *England*, or Lord-Deputy of *Ireland*, who had 6 *s.* 8 *d.* a 1000, and his Secretary 3 *s.* 4 *d.* for the Licence; but to reſtrain that deſtruction of Timber, by Command of His Majeſty, and Advice of His Council, for His Revenue in *Ireland*, firſt 30 *s.* then 3 *l.* the money was paid to His Majeſty, who hath thereby about 1500 *l. per annum* and his Lordſhip loſt about 4 or 500 *l. per annum*, which his Predeceſſors had for ſuch Licences. This is paid by the Tranſporter, not by the Natives, whoſe Commodity nevertheleſs appears by the Article to be very much increaſed.

To the Twelfth, he ſaith, The Subſidies there are an Inheritance in the Crown by Act of Parliament, 6 *d.* was paid for Subſidy, and 1 *s.* 6. *d.* for Impoſt upon every pound of Tobacco, and Farmed 10 or 20 *l. per annum*, the Commons in Parliament, 10 *Car. Regis*, finding the Revenue to be ſhort of the Expence of that Kingdom 24000 *l. per annum*, Petitioned, thoſe Grants might be applied to increaſe His Majeſties Revenue, without calling upon the Subject, but upon urgent Occaſions: Hereupon upon the Advice of the Committee of the Revenue; and in conſideration of a Proclamation made in *England*, ſeveral Proclamations were made, and this ſettled in a way, till it could be confirmed by Parliament, for which purpoſe a Bill is tranſmitted, according to the deſire of the Commons, and the Impoſt of Tobacco is Let to Contractors for eleven years, at 5000 *l. per annum* for the firſt five years, and 10000 *l. per annum* for the other ſix years, and the Earl hath lent money to forward the buſineſs, and by His Majeſties Allowance is a Partner, but hath not as yet in two years laſt paſt had any Accompts thereof, or made benefit thereby. He knoweth of no whipping, or other puniſhment; the Farmes of the Cuſtoms are better than formerly, 2000 *l. per annum*, five 8 parts whereof is yearly paid unto His Majeſty; the prices of Tobacco exceed not 2 *s.* or 2 *s.* 4 *d.* the pound, the ſettling of that Revenue, according to the Petition of the Commons, he hath not raiſed, or countenanced any Monopolies, but oppoſed the ſame.

To the Thirteenth, he ſaith, He endeavoured to advance the Manufacture of Linnen rather than of Woollen-Cloth, which might prejudice that Trade here; he bought Flax-ſeed in the *Low-Countries*, and ſold it at the ſame Rate to ſuch as deſired it, they making their Cloaths not above a Foot broad, and winding 8 or 10 threads from ſeveral bottoms together; the contrary was twined, their Flax formerly not above a Foot, became a yard in length, and that ſoil is fit to bear it, and the People love ſuch eaſie Works; He hath ſet up many Looms, made much Cloth, and ſold it to the loſs of ſome Thouſands of pounds; but when the State ſaw the Natives would not change their old Courſes for new and better, the Proclamation was declined. What he did was for the Publick Good, and had nothing from them that was not fully paid for.

To the Fourteenth, he ſaith, He refers to the Oath and Proclamation, which was ſet forth by the ſaid Earl and Council of State there, at the inſtance of the Farmers of the Cuſtoms, towards the defrauding of the King's Duties being in *France*, whereof His Majeſty had five eight parts: He never heard any Complain of the Oath, or of any that refuſed to take it, and conceived it to be lawful, divers of the Council approving it, being Learned Judges of the Law, to whoſe judgment, for the legality, he ſubmitted, as well in that as to other matters of like nature

To the Fifteenth, He denieth what is in the Article Objected, but ſaith, That about the Year 1626. certain Agents authorized in *Ireland*, were ſent into *England*, and offered and agreed to pay to His Majeſty 120000 *l.* in Six Years, towards the maintenance of his Army, and a like payment of 20000 *l. per annum*, was after agreed, and continued for Three Years longer; the Aſſeſments were made, and it was ſhortly after, by them and the Lord *Faulkland* then Deputy, agreed in *Ireland*, that the Money ſhould not be charged upon Record, but levied by Captains, by Paper-Aſſignments, upon Warrants from the Lord Deputy; and this courſe was held four Years in the Lord *Faulkland*'s time, and the four years wherein the Lord *Loftus* and the Earl of *Cork* were Lords Juſtices there; and it held for the remaining year only, after the Earl of *Strafford* came thither; but the Earl of *Cork* having ſpared thoſe Towns for the benefit of himſelf and Tenants during the time of his being Juſtice: The Earl of *Strafford* reduced the Aſſeſments to what it was made by the Lord *Faulkland*, and gave way that Sir *William St. Lieger*, Lord Preſident of *Munſter*, to take the ſame Arrerages, in ſatisfaction of a Debt due unto him by His Majeſty, and he is confident no force was uſed in levying the ſame: It hath been uſual to lay Souldiers to levy that Contribution, to ſend Souldiers to apprehend Contemners of Orders made at Council-Board, and the like; and when Out-Laws and Rebels have been in the Woods, no Souldiers have in his time been laid, but by the Advice of the Council there. Touching the *Caſtle-Chamber*, it's a parcel of the Territory of *Ideough*, whereto the King was Intituled by Inquiſition, and the Poſſeſſion eſtabliſhed in a Legal way, when the ſaid Earl was in *England*, and no Souldiers were ſent, but only 12 at the intreaty of Mr. *Wanesford*, for ſecurity of his Houſes and Plantations againſt Rebels that then were out, and burned and ſpoiled Houſes thereabouts; and neither *Richard Butler*'s, or any other Family were thence expelled by the ſaid Earl from their Eſtates.

To the Sixteenth, he ſaith, There was ſuch a Propoſition which was juſt, to prevent clamorous Complaints here, which there might be redreſſed; but conceives that by the Laws there, and the Articles known ſince (by the name of the Articles of Grace made about Fourteen Years ſince) none ought to depart that Kingdom without Licence.

Thereupon, the Advice of the State, the Proclamations were ſet forth, but not with ſuch intent as in the Article.

He denied Licence only to Three, the Earl of *Cork*, the Lord *Mount-Norris*, and Sir *Frederick Hamilton*; To the two former, in regard of Criminal Suits then againſt them in the *Caſtle-Chamber*; To the other, by ſpecial Command from His Majeſty; but ſo ſoon as Sir *Frederick* ſaid he would Complain of the Earl, he made Suit to His Majeſty, That Sir *Frederick* might come over, which was granted; He conceives ſuch reſtraint to be neceſſary, and if that it be not continued, it will prove of Evil Conſequence to that Kingdom.

Parry was queſtioned at the Council-Board for Miſdemeanors, and to avoid Sentence, ſecretly went out of the Kingdom; and at his return, for that and other Offences, was Fined and Impriſoned, to the Sentence thereof he refers, and knows of no other that were Impriſoned, as by the Article is Charged.

To the Seventeenth, he ſaith, It's like he might ſay (for the better encouragement of the Officers and Souldiers of the Old *Iriſh* Army, in diſcharge of their ſeveral Duties) that His Majeſty was ſo well ſatisfied in the way and pains they took in uſing and practizing of their Arms, that in that Point he would ſet them as a Pattern to be imitated; and conceives it would not be ill if they were ſo, they being

1641.

ing in the Opinion of thoſe that have ſeen them Exerciſe, very Able and Expert Souldiers; he ſpake not other words, or to other purpoſe.

To the Eighteenth, he ſaith, When the Earl of *Cork* was one of the Lords Juſtices, he ſeized ſome Houſes in *Dublin*, pretending they belonged to Jeſuits and Fryers, without Legal Proceedings, which, upon Suits proſecuted at Council-Board, were, according to Juſtice, reſtored to the Owners; but how ſince imployed the Earl of *Strafford* knoweth not, but endeavoured the utmoſt he could to maintain that Seizure. Touching the 8000 men, he ſaith, They were raiſed according to the King's Warrant, and that the ſaid Earl left the Care thereof to the Earl of *Ormond* and others, and what number are *Proteſtants*, what *Papiſts*, he knoweth not, but believeth ſuch a Body cannot be there raiſed, without many *Papiſts*; the greateſt number of the Captains and Officers are *Proteſtants*, choſen by the ſaid Earl. The 1000 man were drawn out of the Old, to make Officers for the New Army, and believeth the 1000 put to the Old Army are *Proteſtants*, in regard by his expreſs Order no *Papiſt* is to be admitted there a Common Soldier. He never preferred any Captain, Lieutenant or Enſign to be of that Army that was a *Papiſt*, and conceives they are duly paid; and believes thoſe newly raiſed exerciſe the Religion no otherwiſe than was practiſed before the Earl's coming thither: He was a Commiſſioner to Compound with the Recuſants for their Forfeitures, and endeavoured to be informed of the utmoſt value of their Eſtates; in four years he brought that Revenue from 2300 *l.* to be between 11 and 12000 *l. per annum*, more than ever was raiſed formerly in ſo ſhort a time, by which faithful dealings, for His Majeſty, he procured the hard Opinion of the Recuſants throughout the Kingdom; that out of thoſe Compoſitions he hath paid near 100000 *l.* into the Exchequer; and they had no other Priviledges than what was exerciſed in the Commiſſion, and in former like Commiſſions, and as are in the preſent Commiſſion to the Lord Treaſurer, and others.

To the Nineteenth, he ſaith, The laſt Summer was twelve months, when the *Engliſh* and *Scotch* lay in the Fields near *Berwick*, the Earl and Council of *Ireland* having a general motion thereof, were in fear that the *Scots* in *Vlſter* (being almoſt 100000 in number) might be drawn to ſide with the Covenanters, and adviſing how to ſecure that Kingdom, the Principal of the Nation of *Scotland*, living in *Ireland*, came to *Dublin* and Petitioned, That he might have an Oath whereby they might give Teſtimony of future Obedience to His Majeſty; whereupon an Oath was by the Advice of Council of State framed, and chearfully taken by thoſe *Scotch* Gentlemen, and generally by all the Nation in *Ireland*, as the Earl conceives to their advantage, and the ſatisfaction of others; he believes that ſome were Sentenced for refuſing it, but none were otherwiſe exiled. The Earl in his Vote ſaid, That he would endeavour, that all of that Nation ſhould take that Oath, or leave the Kingdom, all which was done by His Majeſties Direction and Approbation; and it was not contrived to the intents in the Article Charged, but to prevent their adhering to the Covenanters then in open Arms, and not concerning the Ceremony or Government of the Church.

To the Twentieth, he ſaith, That in the Year 1638. the Earl was in *Ireland*, when Preparations were made for War, and Summons ſent to the Nobility of this Kingdom: In the Year 1639. a General was appointed, and an Army drawn to the Field, and Encamped near *Berwick*, whereby it appears he was not acquainted that the Article of Pacification had been broken on both Sides, and ſo diſtempered, that it was held fit an Army in *England* ſhould be raiſed, to ſuppreſs the Covenanters, if the buſineſs could not with Honour and Safety be otherwiſe compoſed. The ſaid Earl humbly adviſed His Majeſty to call a Parliament, and uſed many Motives thereunto; after the Parliament was called, and before the Sitting thereof, ten of the Lords, and other of the Council for Forreign Affairs, being aſſembled, His Majeſty then preſent, an Honourable Perſon related the Covenanters Demands; it was then Voted by all, That they were ſuch as might not in Honour and Safety be condeſcended unto by His Majeſty; and if they could not be otherwiſe reduced, His Majeſty muſt be conſtrained to bring them to it by force; the like Reſolution was after at the Council-Table by twenty of the Council: Whereupon His Majeſty appointed a Council of War, and it was held neceſſary to borrow 200000 *l.* upon good Security, till the Supplies by the Parliament

liament might come in. He never ſaid the *Scotch* Nation were Rebels,but was ever perſwaded that many of them are moſt Loyal Subjects.

Thoſe that raiſed Arms, when they were at ſuch diſtance from His Majeſty, he might ſay they were no leſs than Rebels and Traytors; by Warrant from the Lord Admiral, he cauſed divers Ships and Goods to be ſeized, but not with an intent to ſet on the War, but as much as in him lay to bring all to fair Accommodation, without expence of blood.

To the 21*th*, he ſaith, The pacification was broken before he came over, as in the Anſwer to the former Article he moved His Majeſty for a Parliament in *England*, but not with ſuch intent as in the Article, but out of a deſire to have ſettled a right Underſtanding between the King and His people. It may be, he ſaid, (though he remembreth it not) that if the Parliament would not Supply His Majeſty, he would ſerve His Majeſty in any other lawful way; being well aſſured that His Majeſty would not imploy him, nor any man elſe, in any other kind.

To the 22*th*, he ſaith, According to His Majeſties Inſtructions, he did ſet forth to the Parliament of *Ireland*, the State of the Affairs as they then ſtood, and they freely gave four Subſidies, as an acknowledgment of His Goodneſs and happy Government, as by the Act and Remonſtrance appears in Print; He, by His Majeſties Direction, then gave Order for the raiſing of 8000 Men, who ſtill remain in the King's pay, and were ſent into *Ulſter* to ſecure thoſe Parts, or to land in *Scotland*, to divert the Earl of *Argile*, in caſe he joyned with the Covenanters Army againſt the King; but it was mentioned in the King's Letter, 2, *Martii*, 1639. he had purpoſely given out, That they ſhould join with the King's Army at *Berwick*, to colour other Deſigns; but the true cauſe of their Levying was made known to be as aforeſaid unto the Earl of *Ormond*, Sir *John Burlace*, and the Marquiſs of *Hamilton*, and Earl of *Northumberland*, at the time of the writing the Letter, and he denies the words charged in the Articles, or any other words to ſuch intent and purpoſe.

To the 23*th*, he ſaith, The matters of the Parliament were no otherwiſe referred to him, than to the reſt of the Council, that coming ſick from *Ireland* about ten days after the Parliament were ſet, and after the Treaty with the Earl of *Dunfermline*, Lord *Lowdon*, *Scotch* Commiſſioners, was broken off,and the Army preparing, and the Parliament not ſupplying Monies as His Majeſty deſired; His Majeſty adviſed what might move them to prefer His Supply; in debate whereof, he humbly adviſed His Majeſty, by a Meſſage to the Houſe, to lay down Ship-Money, and promiſe never to demand it, and give way to reverſe the Judgment by a Writ of Error in Parliament, and to promiſe a Redreſs of Grievances when they ſhould be prepared. And ſecondly, That they would preſently agree upon ſuch Supply as ſhould maintain His Army, for reducing the *Scots* to their Obedience, wherein their Safety and His Honour was concerned: His Majeſty aſſented conditionally, that he might have 12 Subſidies; the Earl beſought Him that it might not paſs as a Condition,but to Relinquiſh Ship-Money, and put himſelf upon their Affections, and drew up the Meſſage in Writing, and delivered it to Mr. Secretary *Vane* to deliver to the Houſe of Commons: He deſired to know if His Majeſty would not take leſs than 12, His Majeſty Anſwered, He feared leſs would not ſerve His Occaſions; The Earl of *Strafford* beſought His Majeſty to accept of Eight, ſo His Majeſty aſſented, and deſired Mr. Secretary to ſignifie ſo much, as occaſion ſhould be offered; but whether he did ſo or not the ſaid Earl knoweth not. The Houſe of Commons being in debate two days,and not Reſolving, His Majeſty about the 5*th* of *May* laſt called a Council at Seven of the Clock in the Morning, the ſaid Earl being ſick, came late, and was told, (as he remembreth) by the Earl of *Bark-ſhire*, the King had declared His Reſolution to Diſſolve the Parliament; the Earl of *Strafford* beſought His Majeſty to hear the Advice of His Council, and firſt of thoſe that were Members of the Houſe of Commons, by whom the reſt might the better be guided: Mr. Secretary *Windebank* ſaid, He feared the Houſe would firſt be Anſwered of their Grievances, and Voted for a Breach of the Parliament. Mr. Secretary *Vane*, in oppoſite terms, ſaid, That there was no hope that they would give the King a Penny, and therefore abſolutely Voted for a Breach. And the Earl of *Strafford* conceiving His Majeſties Pleaſure to have accepted Eight Subſidies, had been delivered to the

1641.

Houſe of Commons by Mr. Secretary *Vane*, did, in His Majeſties turn, deliver his Vote for Breach of the Parliament, which otherwiſe he would not have done; it being contrary to what he Reſolved when he came thither, and like Opinion was delivered by the reſt of the Lords, being about twenty, except two or three at the moſt. The Parliament being Diſſolved, His Majeſty deſired Advice of His Council, How money might be raiſed, affirming, That the *Scotch* Army was ready to enter into the Kingdom; The ſaid Earl, in preſence of others in the Council, delivered his Opinion, That in a Caſe of abſolute and unavoidable neceſſity, which neither would nor could be prevented by ordinary remedies, provided by the Laws, nor all His Majeſties other means ſufficient to defend the Commonwealth Himſelf, or their Lives and Eſtates from an Enemy, without force of Arms, either actually entred, or daily expected to Invade the Realm; He conceived that His Majeſty was abſolved from ordinary Rules, and might uſe (in as moderate a way the neceſſity of the Cauſe would permit) all ways and means for defence of Himſelf and Kingdom, for that he conceived in ſuch extremity, *Salus Populi* was *Suprema Lex*, provided it were not colourable, nor any thing demanded imployed to other uſe, nor drawn into Example, when Law and Juſtice might take place; and that when Peace was ſettled, Reparation was to be given to particular men, otherwiſe it would be unjuſt. This was not officiouſly declared but in Council, forced by the duty of the Oath of a Counſellor, which is, that he ſhall in all things to be moved, treated and debated in Council, faithfully and truly declare his Mind and Opinion according to his Heart and Conſcience; which Oath the ſaid Earl took, and humbly prays their Lordſhips Conſideration thereof; He denieth the words in the Article, or any words to the intent thereby expreſſed.

To the 24*th*, he ſaith, He delivered his Opinion with ſuch Cautions and Reſtrictions, as in the Anſwer to the Precedent Article, and is well aſſured his Diſcourſe at all times hath been without ill Intentions to either of the Houſes of Parliament, which he ever did, and ſhall think and ſpeak of with all Reverence. He denies that he knew of the Publiſhing or Printing of the Book, nor who cauſed it to be Printed or Publiſhed, for at that time he was ſick in his Bed, more like to die than to live.

To the 25*th*, he ſaith, Ship-Money was levied, and adjudged to be due, before his coming over. Sheriffs were then called up as before, and not otherwiſe. If any were ſued in *Star-Chamber*, it was without any particular indeavour of his: It appearing at the Board, That the Mayor and Sheriffs of *London* had been ſlow in Collecting Ship-Money, he ſaid, They were but Miniſterial, and ought to Exact, and not diſpute the King's Writs, and that if through their remiſneſs the King ſhould be leſs able to provide for the Publick Safety, when any Forreign Army was ready to enter the Kingdom, they might deſerve to be Fined and Ranſomed; which he ſpake more to haſten them, than of purpoſe to adviſe any ſuch Proſecution; but denies the other words, being, under favour, ſuch Expreſſions as he is not accuſtomed unto.

To the 26*th*, he ſaith, He adviſed not either of thoſe Projects (being then ſick in Bed) but it being debated at the Council-Table, Whether it were better for the King to raiſe Gold and Silver, or Coin baſe Money? He (for the Reaſons then given) delivered his Opinion for the latter. Sundry Merchants Adventurers coming to his houſe, deſired him to move His Majeſty, then at *Oatlands*, to Releaſe the Bullion, or Money; he told them, He knew of no ſuch thing, and would not meddle with it; nor would his Health permit him to go abroad, and ſaid, That if their denying the King in ſuch a Publick Danger, the Loan of 100000 *l.* upon good Security, the King were conſtrained, for the Preſervation of the Land, to ſtay the Bullion, they might thank themſelves; and the City receiving ſo great a benefit by Reſiding amongſt them, they made but an unthankful acknowledgment in ſuch a Straight, to refuſe the Loan of that Sum. The Officers of the Mint came to the Council-Board, and the Earl then ſhewed a Letter, he received from the Earl of *Leiceſter*, wherein was related, That the Cardinal had appointed Commiſſioners to go into the Merchants houſes at *Paris*, to peruſe their Shop-Books and Accompts, and to Ceſs every man, according to his Ability, towards the payment of the King's Army, and then ſaid, That it was but juſt for Us here in *England*, to bleſs God for being under a King which could not think upon ſuch a Preſſing upon the People. But the words in the Article, or words to any ſuch intent, he did not ſpeak, and cannot ſufficiently bemoan himſelf to have been in all his words ſo ill underſtood, or ſo untruly Reported as he hath been.

To the *27th*, he ſaith, He perſwaded the Gentry of that Country, to allow the *Trained-Band* a months Pay, which they yielded, and His Majeſty graciouſly accepted. It was by Council of War (His Majeſty being preſent) thought fit the *Trained-Bands* ſhould return, ſave the two Regiments under the Command of Sir *William Pennyman* and Sir *Thomas Danby*. It was aſſented unto by His Majeſty, and the great Councel of the Peers then Aſſembled, That thoſe ſpared ſhould Contribute, and the ſaid Earl was Commanded by them to ſee it done; which was done accordingly by Warrants from him and from his Deputy-Lieutenants, which was much leſs Charge to the Countries than otherwiſe, and denies the other particular in the Article mentioned.

To the *28th*, he ſaith, He was Lieutenant-General to the Earl of *Northumberland*, about the *24th* of *Auguſt*, of 10 or 12000 Foot and 2000 Horſe, being at *New-Caſtle* under the Command of the Lord *Conway* and Sir *Jacob Aſhley*, and the reſt of the Army at *York*; the ſaid Earl went from *London*, and the *26th* of *Auguſt*, notwithſtanding his extream weakneſs, and came to *York*; and having received a Letter from Sir *Jacob Aſhley*, that *New-Caſtle* was Fortified, and that they muſt be Infamous Beaſts to loſe it, and that it was fully Secured; and being acquainted with ſeveral Diſpatches ſent by Mr. Secretary *Vane*, by His Majeſties Directions, to the Lord *Conway*, General of the Horſe, to oppoſe the Paſſage of the *Scots* over the River of *Tyne*, the one dated 22. *Auguſti*, the other 23. *Auguſti*, another 24. *Auguſti*, another 26. *Auguſti*, the ſubſtance of which Letters are particularly mentioned in the Anſwer to this Article, and to the ſame Letters the ſaid Earl referreth himſelf.

The ſaid Earl, upon ſight of this and Sir *Jacob Aſhley*'s Letter, had reaſon to believe, that all fitting preparation was made, and then underſtanding that if the *Scotiſh* Army ſhould paſs the River, not only *New-Caſtle* altogether Unfortified on the South part, would be loſt, but the ſaid Army of 11000 Foot and 2000 Horſe endangered; and hearing that the *Scotiſh* Army were diſtreſſed for want of Victuals, and knowing the advantage that was in oppoſing the paſſage of ſuch a River. Hereupon the ſaid Earl, by a Letter dated the *27th* of *Auguſt*, adviſed the Lord *Conway* with all the Horſe, and at leaſt 8000 Foot, and all the Cannon, to March and Fight with them; upon the paſſage of the River, at which time the ſaid Earl had no Charge of the Army; but the truth is, the Lord *Conway* having not with him all the Horſe, and not above 1500 Foot, and only ſome part of the Cannon, was in a poſture to fight for the paſſage, before the ſaid Letter of advice came, which he received not half an hour before the Fight began, and proceeded according to his own judgment, and His Majeſties ſaid general Direction; and afterwards, that is about the *30th* of *Auguſt*, and not before, the ſaid Earl took upon him the Charge of the Army at *Darlington*, and brought it to *York* to be ſupplied with Neceſſaries that they wanted, and purpoſed to have ſtaid where they were quartered. But hearing from many hands that there was a purpoſe to queſtion him in Parliament, and His Majeſty having given him Liberty of ſtaying there, or coming away, he left the Charge of the Army with the Lord *Conway*, and other Officers, as His Majeſty had directed, and came to *London* on *Monday* the *9th*, and the *11th* of *November* was put under Reſtraint, and ſo hath ever ſince remained. And ſaith, That the Town of *New-Caſtle* was no way under his Care; and as to other matters whereto by Law he ought to anſwer, and hath not anſwered, he ſaith, He is not Guilty of them, or any of them, in ſuch manner and form, as in the ſaid Article is expreſſed, and humbly prayeth a convenient time for making his Proofs, and to juſtifie and maintain his Actions in *Ireland*, by ſight of His Majeſties Warrants, Records and Witneſſes in that Kingdom, and that if any miſtake be in this Anſwer, it may be amended.

And this the ſaid Earl hopeth, that upon equal Conſtruction of his Words and Actions, he ſhall appear free from any great and hainous Offences wherewith he is Charged; and howſoever it ſhall pleaſe God to diſpoſe of him, he ſhall ever pray, that by their Lordſhips great Wiſdoms and Prudence, the Affections of His Majeſty, and Duty of His Subjects, may this Parliament be ſo ſurely knit together, as may by God's bleſſing laſtingly tend to the Proſperity and Flouriſhing Eſtate both of King and People.

Saturday, March 6.

Mr. *Whitlock* was Ordered to go to the Lords with this Meſſage, *That the Houſe of Commons have conſidered of the Earl of* Strafford's *Anſwer, and do aver their Charge of High Treaſon againſt him, and that he is guilty in ſuch manner and form as he ſtands Accuſed and Impeached; and that the Houſe will be ready to prove their Charge againſt him at ſuch convenient time as their Lordſhips ſhall prefix, and intend to manage the Evidence by Members of their own.*

Saturday, March 13.

After many Debates and Conferences preparatory to the place and manner of the Trial between the Two Houſes, they came to theſe Determinations.

Determinations between the Lords and Commons about the Earl of *Strafford's* Trial.

Firſt, As to the Place it was agreed, *That it ſhould be* Weſtminſter-Hall, *and the King to be made acquainted with it by the Lord Great Chamberlain.*

Secondly, For Perſons, the Lords agreed, *That the Houſe of Commons ſhould be preſent as a Committee of the whole Houſe for this time, with a* Salvo jure *to the Lords Houſe, either according to Law or Parliamentary proceedings, and that this ſhall not be drawn into Preſident hereafter on either ſide.*

Thirdly, For the Members of the Houſe of Commons managing the Evidence, the Lords granted it wholly.

Fourthly, For the Earl's Councel, *That they ſhould not ſpeak nor interrupt the matter of the Houſe of Commons, until all the Evidence is finiſhed; That they ſhall not ſtand at the Barr, but in ſome other convenient place where they may hear; That they may ſpeak to matter of Law only, and not to matter of Fact, and not unleſs the Lords ſhall think fitting and give permiſſion.*

Monday, March 15.

Upon *Monday*, the King having been made acquainted with theſe Reſolutions of the Two Houſes, was pleaſed to aſſent unto them, and to appoint *Monday* the 22. of *March* 9. of the Clock for the Time of the Trial; and accordingly the neceſſary preparations for the Tragical Solemnity were provided, and the Earl had Notice of the Time and Place to prepare himſelf.

Saturday, March 20.

The Commons ordered the affair of the Trial in this manner:

Firſt, *That the Members of their Houſe ſhall ſit together without any intermixture of others in the place prepared for them.*

Secondly, *That the Members ſhall not meet at their Houſe on* Munday, *but come directly to the place of Trial.*

Thirdly, *That for the better ordering of the Buſineſs, the Committee, with the addition of Mr.* Peard, *ſhall be at the ſeveral Doors by Six of the Clock, and ſhall admit none into the place prepared for the Commons, but ſuch as ſhall bring Tickets of their Names and the Places for which they ſerve; and no Members to be admitted till the Committee appointed to attend the Doors be come; if any either Stranger or Member Offend this Order, the Committee to report it to the Houſe; all the Members to be there by* 8. *of the Clock.*

Fourthly, *That the Serjeant at Arms ſhall attend within the Court, and his Men without to be imployed in ſuch Service as they who manage the Evidence ſhall appoint.*

The Managers of the Evidence againſt the Earl of *Strafford.*

Thoſe who were appointed by the Commons to Manage the Evidence againſt the Earl, were

George Lord *Digby*, *John Hampden* Eſq. *John Pym* Eſq. *Oliver St. John* Eſq. Sir *Walter Erle*, Knight, *Jeoffry Palmer* Eſq. *John Maynard* Eſq. *John Glyn* Eſq.

In the Hall there was a Throne Erected for His Majeſty, On each ſide whereof was a Cabinet incloſed with Boards, and before with Arras. Before that were the Seats for the Lords, and Woolſacks for the Judges; below ten degrees of Seats extending further than the Middle of the Hall for the Gentlemen of the Houſe of Commons; at the End of all, was a Desk cloſed about and ſet apart for the Earl and his Councel.

Munday, March 22.

The Theatre being thus prepared whereupon this Noble Earl was to act his Tragedy, Upon *Munday, March* the 22. the Trial began, About 7. of the Clock in the Morning the Earl came attended from the *Tower* by 6. Barges, wherein were about 100 Souldiers with Partiſans for his Guard, and 50 pair of Oars came along with him. At his Landing in *Weſtminſter* he was attended by 200 of the Train-Bands who Guarded him into the Hall; the Entrances at *White-Hall*, *Kings-ſtreet* and *Weſtminſter*, were Guarded by the Conſtables and Watchmen from 4. of the Clock in the Morning, to prevent the concourſe of baſe, idle and inferior Degrees of People, who are apt upon ſuch occaſions to flock together, and produce miſchief and diſorders.

The King, the Queen and Prince came to the Hall about 9. of the clock, but did not appear publiquely, only the Prince came out once or twice to the Cloth of Eſtate, ſo that the King ſaw and heard all that paſſed, but was ſeen by none: Some give the Reaſon of this, to proceed from the received Practice of *England* in ſuch Caſes: Others were of Opinion, That the Lords intreated his Majeſty either to abſent himſelf, or to be there privately, leſt hereafter it might give occaſion to pretenſions, that his being there was to over-aw, or ſome other ways interrupt the Courſe of Juſtice: A third, That the King was not willing to appear as an Actor in the Proceſs till it came to his part, but rather he choſe to be preſent *Incognito*, that he might Obſerve and underſtand, whether any Violence, Rigor or Injuſtice were uſed in the Trial.

At the Lieutenant's Entrance into the Hall, the Porter of the Hall, whoſe Office it is, inquired of Mr. *Maxwell*, *Whether the Ax ſhould be carried before him or no?* who anſwered, *That the King had Expreſsly forbidden it*; Nor was it ever the Cuſtom of *England* to uſe that Ceremony, but only when the Party accuſed was to be put upon his Jury.

At the Trial, the Lords of the Upper Houſe ſate Covered, the Members of the Lower Houſe uncovered. The Lords Spiritual were not at all preſent, having on *Saturday* before abſolutely declined appearing in *Cauſa Sanguinis*, thô withal Entring a Proteſtation, That their Abſence ſhould not prejudice them of that or any Priviledg appertaining to them as Lords Spiritual in Parliament.

The Earl of *Arundel* who was by His Majeſty conſtituted and appointed Lord High Steward by Commiſſion under the Great Seal of *England*, ſate apart by himſelf, and all things being now in a Readineſs, the Managers of the Evidence ſtanding at the Barr, the Noble Priſoner was called for, and being brought by Sir *William Balfour* Lieutenant of the *Tower*, after an Obeyſance given, he came to the Barr and kneeled, and after ſtanding up, the Right Honourable *Thomas* Earl of *Arundel* and *Surrey*, Lord High Steward of *England*, acquainted him, *That his Lordſhip was called before the Lords* *in Parliament, to Anſwer to, and be Tryed upon the Impeachment preſented to them by the Commons Houſe in Parliament, in the Name of themſelves and all the Commons of* England. *And that their Lordſhips are reſolved to hear both the Accuſation and Defence with all Equity, and therefore thought fit, that in the firſt place his Lordſhip ſhould hear the Impeachment of High Treaſon read*; which was done accordingly, the Articles being delivered in by Mr. *Pym*.

While it was reading, a Chair was brought for him by the Gentleman Uſher, and by the Direction of the Lords, he was permitted to repoſe himſelf.

After the Charge, the Earl's Anſwer was likewiſe read; which took up the whole time of the Firſt Day.

The Queen went from the Houſe about 11 of the Clock, the King and Prince ſtayed till the Aſſembly was Adjourned, which was about Two of the Clock, and the Earl was remanded to the *Tower*, with his Guard, and appointed to appear again upon *Tueſday* at 9. of the Clock.

The Confluence of People was neither numerous nor inſolent, all of them Saluted him both at his Landing and Return, which with a Generous Humility, he did moſt courteouſly receive and return. By which it is Evident how falſe the Rumors were which Malevolent Perſons Raiſed, that the Populace was ſo inraged at him, that they would go near to tear him in pieces: The Multitude is an Unruly Animal, but yet certainly Report does in theſe caſes encreaſe the Danger; and a Tumult is not altogether ſo inſenſible of puniſhment, as not to fear it, notwithſtanding Numbers ſeem to plead an Exemption from it, and to frighten Juſtice from her Seat. But this ſluggiſh Creature the *Mobile*, is then certainly moſt Dangerous, when like the Unſtable Element it does Reſemble, it is raiſed by the Turbulent breath of Sedition, to overflow the Bounds of Duty, and outrage all that is called Juſtice; and there wanted not ſuch ſpirits, who by ſpreading theſe Rumors of the Diſcontents of the People, taught them to be Diſcontented, and by predicting of Diſorders, learnt, at leaſt their own Faction, to know what was Expected from them upon Occaſion: and how calm ſoever the People ſeemed to be; yet the Concluſion of this Tragedy will make it appear that ſome Perſons had Tumults at Command, and could upon Occaſion raiſe the dangerous Tempeſt of the Madneſs of the People, not inelegantly coupled with the Raging of the Sea, by the Royal Prophet.

The Second Day. *Tueſday, March* 23.

Upon *Tueſday* in the Morning the Earl came accompanied as before to *Weſtminſter*, and having ſtayed in the Exchequer Chamber till 9. of the Clock, the King, Queen and Prince being come, and that High and Illuſtrious Court being ſet, he was again brought to the Barr; and the Lord High Steward having commanded the Committee of the Commons who were to manage the Evidence to proceed, Mr. *Pym* in a large and ſtudied Oration, full of Hyperbolical Figures, and Inſulting Eloquence, opened, amplified, and inforced the Charge, by raveling the Anſwer of the Earl to his Articles of Impeachment in manner following.

Mr. *Pym*'s Speech at the Trial of the Earl of *Strafford*, *March* 23.

My Lords,

We *ſtand here by the Commandment of the Knights, Citizens and Burgeſſes now Aſſembled for the Commons in Parliament, and we are ready to make good that Impeachment whereby* Thomas *Earl of* Strafford *ſtands charged in their Name, and in the Name of all the Commons of* England, *with High Treaſon.* This, My Lords, *is a great*

great Cauſe, and we might ſink under the weight of it, and be aſtoniſhed with the Luſtre of this Noble Aſſembly, if there were not in the Cauſe Strength and Vigour to ſupport it ſelf, and to encourage us; It is the Cauſe of the King, it concerns His Majeſty in the Honour of His Government, in the Safety of His Perſon, in the Stability of His Crown.

It is the Cauſe of the Kingdom, It concerns not only the Peace and Proſperity, but even the Being of the Kingdom. We have that piercing Eloquence, the Cries and Groans, and Tears, and Prayers of all the Subjects aſſiſting us. We have the Three Kingdoms, England, and Scotland, and Ireland, in Travail and Agitation with us, bowing themſelves, like the Hindes ſpoken of in Job, to caſt out their Sorrows.

Truth and Goodneſs (My Lords) they are the Beauty of the Soul, they are the Perfection of all created Natures, they are the Image and Character of God upon the Creatures.

This Beauty, Evil Spirits, and Evil Men, have loſt; but yet there are none ſo wicked, but they deſire to march under the ſhew and ſhadow of it, though they hate the reality of it.

This unhappy Earl, now the Object of your Lordſhips Juſtice, hath taken as much care, hath uſed as much cunning to ſet a face and countenance of Honeſty and Juſtice upon his Actions, as he hath been negligent to obſerve the Rules of Honeſty in the Performance of all theſe Actions. My Lords, it is the greateſt baſeneſs of Wickedneſs, that it dares not look in his own Colours, nor be ſeen in its natural Countenance. But Virtue, as it is amiable in all reſpects, ſo the leaſt is not this, That it puts a Nobleneſs, it puts a Bravery upon the Mind, and lifts it above Hopes and Fears, above Favour and Diſpleaſure; it makes it always uniform and conſtant to it ſelf.

The Service Commanded me and my Colleagues here, is to take off thoſe Vizards of Truth and Uprightneſs, which hath been ſought to be put upon this Cauſe, and to ſhew you his Actions and his Intentions, in their own natural Blackneſs and Deformity.

My Lords, He hath put on a Vizard of Truth in theſe words, (wherein he ſays) That he ſhould be in his Defence more careful to obſerve Truth, than to gain Advantage to himſelf. He ſays, He would endure any thing rather than be ſaved by Falſhood.

It was a noble and brave Expreſſion if it were really true.

My Lords, He hath likewiſe put on the Vizard of Goodneſs on his Actions, when he deſires to recite his Services in a great many Particulars, as if they were Beneficial to the Common-wealth and State; whereas we ſhall prove them Miſchievous and Dangerous.

It is left upon me, My Lords, to take off theſe Vizards and Appearances of Truth and Goodneſs, in that part of his Anſwer which is the Preamble. And that I ſhall do with as much Faithfulneſs and Brevity as I can.

1. The Firſt thing (My Lords) that I ſhall obſerve in the Preamble is this, That having recited all thoſe great and honourable Offices which he hath done under his Majeſty, he is bold to affirm, That he hath been Careful and Faithful in the Execution of them all.

My Lords, If he might be his own Witneſs, and his own Judge, I doubt not but he would be Acquitted.

It is ſaid in the Proverbs of the Adulterous Woman, That ſhe wipes her mouth, and ſays, ſhe had done no Evil. Here is a wiping of the mouth, here is a verbal expreſſion of Honeſty. But (My Lords) the foulneſs and unjuſtneſs will never be wiped off, neither from his Heart, nor from his Actions; I mean for the time paſt, God may change him for the time to come: That is the firſt thing I obſerve.

2. My Lords, In the ſecond place, out of his Apologetical Preamble, I ſhall obſerve this, He doth magnifie his own Endeavours in five particulars: 1. That he hath Endeavoured the maintenance of Religion. (I may miſs in words, I ſhall not miſs in ſenſe.) 2. That he hath Endeavoured the Honour of the King. 3. The Encreaſe of his Revenue. 4. The Peace, and Honour, and Safety of the Kingdom. 5. The Quiet and Peace of the People. Theſe are his five pariculars; and I ſhall give a ſhort Anſwer to every one of them.

1. For Religion, (My Lords) we ſay, and we ſhall prove, that he hath been diligent indeed to favour Innovations, to favour Superſtitions, to favour the Incroachments and Uſurpations of the Clergy: But for Religion it never received any advantage by him, nay, a great deal of hurt.

2. For the Honour of the King: (My Lords) We ſay it is the Honour of the King

1641. *that He is the Father of His People, that He is the Fountain of Juſtice; and it cannot ſtand with His Honour and Juſtice to have His Government Stain'd and Polluted with* Tyranny *and* Oppreſſion.

3. *For the Encreaſe of His Revenue: It is true, there may be ſome Addition of Sums; but we ſay, There is no Addition of Strength nor Wealth, becauſe in thoſe parts where it hath been increaſed, this Earl hath taken the greateſt ſhare himſelf: And when he hath ſpoiled and ravined on the People, he hath been content to yield up ſome part to the King, that he might with more ſecurity enjoy the reſt.*

4. *For the Strength and Honour, and Safety of the Kingdom:* (My Lords) *In a time of Peace he hath let in upon us the Calamities of War, Weakneſs, Shame and Confuſion.*

5. *And for the Quiet of the Subjects, he hath been an Incendiary, he hath Armed us amongſt our ſelves, and made us weak and naked to all the World beſides. This is that I ſhall anſwer to the ſecond Head of his Apology.*

3. *The Third is this,* (My Lords) *That by his means many good and wholeſome Laws have been made ſince his Government in* Ireland.

Truly, (My Lords) *if we ſhould conſider the particulars of theſe Laws, ſome of them will not be found without great Exception. But I ſhall make another Anſwer, good Laws, nay, the beſt Laws are no advantage when* Will *is ſet above Law, when the Laws have force to bind and reſtrain the Subject, but no force to Relieve and Comfort him.*

4. *He ſays in the Fourth place, He was a means of calling a Parliament not long after he came to his Government.* My Lords, *Parliaments without Parliamentary Liberties, are but a fair and plauſible way into Bondage; That Parliament had not the Liberties of a Parliament; Sir* Pierce Crosby *for ſpeaking againſt a Bill in the Commons Houſe, was ſequeſtred from the Council-Table, and Committed to Priſon.*

Sir John Clotworthy, *for the ſame Cauſe, was threatned that he ſhould loſe a Leaſe that he had. Mr.* Barnewell, *and two other Gentlemen, were threatned they ſhould have Troops of Horſe put upon them for ſpeaking in the Houſe. Proxies by dozens, were given by ſome of his Favourites: And* (My Lords) *Parliaments coming in with theſe Circumſtances, they be Grievances, Miſchiefs, and Miſeries; no works of Thanks or Honour.*

5. *The Fifth is, That he hath been a means to put off Monopolies, and other Projects that would have been Grievous and Burdenſome to the Subjects; if he had hated the Injuſtice of a Monopoly, or the Miſchief of a Monopoly, he would have hated it in himſelf; he himſelf would have been no Monopoliſt. Certainly,* My Lords, *It was not the love of Juſtice, nor the Common Good, that moved him: And if he were moved by any thing elſe, he had his Reward. It may be it was becauſe he would have no man gripe them in the Kingdom but himſelf; his own* Harveſt-Crop *would have been leſs, if he had had ſharers. It may be it was becauſe Monopolies hinder Trade, he had the Cuſtoms, and the benefit of the Cuſtoms would have been leſs; when we know the particulars, we ſhall make a fit and proper Anſwer to them: But in the mean time, we are ſure whatſoever was the reaſon, it was not Juſtice, nor love of Truth, that was the reaſon.*

6. *He ſaith in the Sixth place, He had no other Commiſſion but what his Predeceſſors had: And that he hath Executed that Commiſſion with all Moderation. For the Commiſſion, it was no Virtue of his if it were a good Commiſſion, I ſhall ſay nothing of that. But for the ſecond part, his Moderation; when you find ſo many Impriſoned of the Nobility; ſo many men, ſome adjudged to Death, ſome Executed without Law; when you find ſo many publick Rapines on the State, Soldiers ſent to make good his Decrees; ſo many Whippings in defence of Monopolies; ſo many Gentlemen that were Jurors, becauſe they would not apply themſelves to give Verdicts on his ſide, to be Fined in the* Star-Chamber.

Men of Quality to be diſgraced, ſet on the Pillory, and wearing Papers, and ſuch things, (as it will appear through our Evidence) can you think there was any Moderation. And yet truly, (My Lords) *I can believe, That if you compare his Courſes with other Parts of the World ungoverned, he will be found beyond all in Tyranny and Harſhneſs; but if you compare them with his Mind and Diſpoſition, perhaps there was Moderation; Habits we ſay, are more perfect than Acts, becauſe they be neareſt the principle of Actions.*

ons. The Habit of Cruelty in himſelf (no doubt) is more perfect than any Act of Cruelty he hath Committed; but if this be his Moderation, I think all men will pray to be delivered from it: And I may truly ſay that is verified in him, The Mercies of the Wicked are Cruel.

7. *I come to the Seventh, and that is concerning the King's Revenue: That he hath improved it from* 57000 *l.* to 10000 *l* *and that he hath done it by Honourable and Just ways. That he hath made the Kingdom able to Support it ſelf. That he hath improved the King's Revenue by many rich and great Purchaſes. That he hath ſaved the Charge of the Navy, by bearing* 7000 *l. a Year in* Ireland, *which was born here before. And then he ſaye for a Concluſion, That he never took Money out of the King's Exchequer.* My Lords, *I muſt run over all theſe.*

For the Enlargement or Increaſe of the Revenue of that Kingdom, I think there is a little fault in his Arithmetick, but I will not charge him with that now.

But for his Honourable wayes of Increaſing it; if Monopolies, if Vexation of the Subject, be Honourable ways, we ſhall leave that to your Lordſhips to judge. But most of his increaſes are made upon Monopolies. It is true, there is another way of bargaining, but it hath been mixed with Rigour and Rapine, and Injustice. Men have been driven out of their Eſtates; Offices have been found by force. Men have been driven to reſign their Eſtates: And is this a Juſt way of improving a King's Revenue? that I ſhall ſubmit to your Lordſhips.

Then he ſays, He hath made the Kingdom able to Support it ſelf: My Lords, *He that hath no Harvest of his own, muſt Glean after another man's Reapers. Truly, this was none of his work: The Kingdom was able to ſubsist of it ſelf before he came thither. For that we ſhall Appeal to the Records of the Exchequer, betwixt the Year* 1622, *and the time of his Government, which was Nine years at leaſt, during which, nothing went out of this Kingdom to the ſupport of that Iſland. The* 7000 *l. for the Navy, was born in* Ireland *before his time a year or two; ſo he comes near the truth of that, yet miſſes a year of the truth.*

But if it were true; hath it been only by the ordinary Revenue that it hath ſupported it ſelf? He hath had Six Subſidies; a year, or two of Contribution, which the Iriſh *gave towards the ſupporting of the Charge of* Ireland. *It was not his Husbanding, nor his Managing of the Revenue; And truly if the Kingdom were able to ſupport it ſelf, (as it was before he came thither) by the Revenue of the Kingdom, and by the help of that Contribution, it would be very fit, (ſince there may be many Increaſes ſince) to know what is become of* 300000 *l. for ſix Subſidies, and of the Contribution Money; and indeed there is a great ſuſpition, that that went another way. But that you may the better obſerve his Husbandry, I ſhall ſpeak of his laſt Years Accompt; the* 20th *of* March, *(now ſomething more than a Year ſince) the Under-Treaſurer delivered an Account, on which there was* 101000 *l. remaining in the King's Coffers. Since that time there hath been received* 112000 *l. for the King. (I ſpeak of round Sums,* (My Lords,) *I leave out pounds and pence, and ſuch things: This is* 213000 *l. He hath received out of the Exchequer in* England 50000 *l. There are Debts in* Ireland, 60000 *l. and what other Debts we know not: Here is above* 320000 *l. conſumed in a Year; which is almost as much as Queen* Elizabeth *conſumed in any Year when* Tyrone *was in Rebellion, and an Army of* Spaniards *was there.*

My Lords, *He ſaith he never took Money out of the Exchequer; if he rests in that Affirmation, it will be very near truth, yet ſerves but to ſhadow a falſhood, which is worſe, to cover and to glaze, under ſuch a Colour of Truth as that is, a notable Falſhood.*

My Lords, *It is true, he hath taken no Money out of the Exchequer; but he could be content to take from the Under-Treaſurer of the Exchequer,* 24000 *l. about two years ſince, and to keep it for his own occaſions; when the King's Army was in want: And he paid it in but lately.*

And before I paſs from this matter of the Revenue, give me leave to ſpeak ſomething of the Increaſe that comes in by the Cuſtoms.

It is true, there is a great increaſe; but if your Lordſhips look to the beginning of that bargain, you ſhall find the notablest Cozenage that ever was offered to a Prince, in one that was a ſworn Servant, and intruſted with ſo great a Charge.

It will be more fully opened in the Article that concerns the Cuſtoms; but I ſhall ſpeak of it a little: He made a bargain, and under pretence of getting of 1350 *l. gain to the King, he gave cauſe of Allowances and Defalcations; whereby he took forth of the King's*

1641. *Purſe 6000 l. a year, or very near, which the King had before. He laid new Additions of charge on the Cuſtoms, which came to 12000 l. So that on a bargain of giving 1350 l. more than was reſerved on the former Leaſe, he was ſure, that when he made the bargain, of gaining 18 or 20000 l.*

8. *But I ſhall paſs from the Revenue of the Crown, to the Revenue of the Church, (which is in the 8th place) He ſaith he hath been a great Husband for the Church, and truly hath brought in many Lands to the Church; but he hath brought them in by wayes without Law, without Rules of Juſtice: He hath taken away mens Inheritances, And here (*My Lords*) is an offering of Rapine, an offering of Injuſtice and Violence: And will God accept ſuch an Offering? Muſt the Revenues of the Church be raiſed that way? It is true, it was the more in the way of his own Preferment. He knew who ſate at the Helme here, the Archbiſhop of* Canterbury*; and ſuch ſervices might win more credit with him. It was not an Eye to God and Religion; but an Eye to his own Preferment. I ſhall ſpeak no more of that.*

9. *I come to the* 9th *head; and that is the building of Churches. Many Churches have been built ſince his Government. Truly,* My Lords, *why he ſhould have any Credit or Honour, if other men builded Churches, I know not: I am ſure we hear of no Churches he hath built himſelf: If he would have been careful to have ſet up good Preachers, that would have ſtirred up Devotion in men, and made them deſirous of the knowledg of God, and by that means made more Churches, it had been ſomething; But I hear nothing of Spiritual Edification, nothing of the knowledg of God that by his means hath been diſperſed in that Kingdom. And certainly they that ſtrive not to build up mens Souls in a Spiritual way of Edification, let them build all the material Churches that can be, they will do no good; God is not worſhipped with Walls, but he is worſhipped with Hearts.*

10. *He ſaith in the* 10th *place, That many Orthodox and Learned Preachers have been advanced by his means; and the Doctrine and Diſcipline of the Church of* England, *by his means Protected and Defended.* My Lords, *I ſhall give but two or three Patterns of the Clergy that he hath preferred. If you will take Doctor* Atherton, *he is not to be found now above Ground. For he was hanged for many foul and unſpeakable Offences.*

Doctor Bramhill *hath been preferred to a great Biſhoprick; but he is a man that now ſtands Charged with High Treaſon: he hath been but few years in* Ireland, *and yet hath laid out at leaſt* 30000 l. *in Purchaſes. I ſhall name but one Chaplain more, and that is one* Arthur Gwyn, *who about* 1634. *was an Under-Groom to the Earl of* Corke *in his Stable: In the year after, Dr.* Bramhill *preferred him to be a Clergy-man; and a Parſonage, and two Vicaridges Impropriate, were taken from my Lord of* Corke, *and given to this* Arthur Gwyn. *I ſhall add no more Patterns of his Clergy.*

11. *I go to the* 11th, *and that is concerning the Army: He hath many glorious Expreſſions of his Service concerning the Army; That they are* 1000 *Horſe and* 2000 *Foot: And that there hath been very few Papiſts Soldiers or Officers; and none preferred by himſelf. Truly, I think he ſays true, or within one of true in this; for there was but one preferred by himſelf, and therefore I ſhall not ſtand upon that.*

But he ſays this Army was paid out of the Revenue of the Crown, which heretofore it was not wont to be. To that I have ſpoken before, and ſhewed, that many years before his time all the Charges of Ireland *were born within* Ireland.

He ſays, (and I ſpeak that as to the Army too) That neither the Arms nor Wages have been burdenſome to the People of Ireland; *but their Lodgings and Billettings have not been eaſie, and not without diſcontent. Why (*My Lords*) in* Dublin *it ſelf, where they have a Charter that Exempts them from Billetting of Soldiers, they have been fain to pay for Billetting of Soldiers. Nay, thoſe Soldiers that were Servants and Dwellers in his own houſes, and other places, muſt have their Billetting moneys. And of this there hath been Petitions and Complaints; nay, it hath been ſpoken of in Parliament there; and yet he can tell you, that the marching and laying of Soldiers is without burthen and grievance to the People: that was the Eleventh.*

12. *I go to the* 12th, *and that is the great increaſe of Trade: The increaſe of Shipping* 100 *to one. Truly (*My Lords*) in a time of Peace, and in a growing Kingdom as*

as that was, being formerly unhuſbanded, It is no wonder, that when Land encreaſes in the Manurance, and People increaſe in Number, both Shipping and Trade increaſes. But it is the advantage of the time, not the advantage of his Government; for (My Lords *) his Government hath been deſtructive to Trade: And that will manifeſtly appear by the multitude of Monopolies that he hath exerciſed in his own Perſon. And that is all I ſhall ſpeak to the* 12th.

13. *The* 13th *is, That Juſtice hath been adminiſtred without bribery, without partiality, without Corruption; theſe are Glorious things. But there will as much fall upon him of Corruption and Injuſtice, as of any other Offence; And that (*My Lords*) will appear to you through the whole Courſe of our Evidence: I ſhall not now ſpeak of the particulars. And that we may not content our ſelves with particular witneſſes only, I ſhall humbly deſire, That the* Remonſtrance *of the Parliament of* Ireland, *both of the Lords and of the Commons, may be read: And they will give a ſufficient Teſtimony of the quality of his Juſtice.*

14. *The* 14th (My Lords) *is this, That he hath been a Means to His Majeſty for a Parliament in* England. *It is true he was: And it is as true, that we count that as miſchievous a part of his deſign, as any thing elſe. Into what a miſerable* Dilemma (My Lords) *did he bring the Kingdom, that we muſt ſurrender the Liberties of the Kingdom in Parliament, or ſee them oppreſſed with Force and Violence out of Parliament. The particulars of this I ſhall leave for the inſtant; for there is an Article that concerns this.*

I have now paſſed through all the material parts of the Apologetical Preamble.

He concludes with a deſire, that he may not be charged with Errors of his underſtanding or Judgment, being not bred up in the Law, or with weakneſs, to which humane Nature is Subject. Truly, it would be far from us to charge him with any ſuch miſtakes; No (My Lords *) we ſhall charge him with nothing but what the Law in every man's breaſt condemns, the Light of nature, the Light of common reaſon, the Rules of Common Society: and that will appear in all the Articles my Colleagues will offer to you.*

My Lords, *I have ſome few Witneſſes which I ſhall deſire may be heard to the points I have opened; and I ſhall in the firſt place deſire that Sir* Pierce Crosby *may be heard concerning the Breach of Priviledge in Parliament, alſo Sir* John Clotworthy, Nich. Barnewell, Nicholas Plunket *and Sir* James Montgomery. *I have ſome witneſſes to the point of the Revenue, Sir* Robert Pye, *Sir* Edward Warder *and Sir* Adam Loftus.

To all which bitter Invectives, the Earl in his occaſional replies anſwered, with as much Temper and Moderation, as the other ſpoke with Heat and Paſſion; making his defence with that Vivacity of underſtanding, clearneſs of Expreſſion, and with ſuch a Decency both of Behaviour and Eloquence, between the Extremes of Baſeneſs and Dejection, and the vanity of Diſdain or Oſtentation, as raiſed an admiration of him, even in his very Enemies.

Witneſſes, Sir *Pierce Crosby* ſet aſide for the preſent.

The firſt Witneſs that was produced was Sir *Pierce Crosby*, againſt whom the Earl excepted, as having been ſentenced in the Star-Chamber in *Ireland*, for Conſpiring to take away his Life, for breaking Priſon, and making his Eſcape, from which Circumſtances it was probable he might be Tranſported by the deſire of private revenge, beyond the bounds of Truth and Publick Juſtice, ſo that for the preſent he was ſet aſide.

Sir *John Clotworthy.*

Then Sir *John Clotworthy* was ſworn, all that he depoſed was that Sir *George Radcliff* being a teller of the No's in a Vote of Parliament to which he had given his Negative, contrary to the Mind of the Earl, who had a deſire the Bill ſhould paſs, Sir *George* asked him if he had not a Leaſe in ſuch a place, to which he anſwering yes; Sir *George* replyed, remember that.

That as to Sir *Pierce Crosby*'s impriſonment, he did apprehend it was for giving his Vote contrary to the Lord Lieutenant's mind, for that he heard Sir *George* ſay to him after he had Voted, this is not Privy Counſellor like, or to that Effect.

Lord *Ranulagh.*

The Lord *Ranulagh* depoſed that Sir *Pierce Crosby* was by the Opinion of the Board ſequeſtred from the Privy-Council for Voting againſt a Bill tranſmitted by the Lord Deputy and Council to the Parliament.

Lord *Mountnorris.*

The Lord *Mountnorris* depoſed to the ſame Effect, and that he was Sequeſtred from the Council by the Voices of the Board, among which the Earl gave his.

Nic. Barnwell.

Mr *Nicholas Barnwell* depoſed that for his differing in Opinion in the Parliament from Sir *George Radcliff*, Sir *George* asked him if his Houſe would hold 500 Men, to which he ſmiling anſwered, you know how many my houſe will hold, whereupon Sir *George* replyed it was no laughing matter, and that he ſhould have 500 men laid upon him; but this upon the Earl's Queſtion he ſaid was ſpoken when the Earl was out of the Kingdom, upon which Mr. *Pym* made this prity Obſervation, That the Spirit of my Lord *Strafford* could move in Sir *George Radcliff* whereſoever it was ſpoken, as if a man could commit Treaſon (had it been ſuch) by his Proxie.

Mr. *Egor* a Witneſs

The next thing was about oppreſſing the Subjects of *Ireland*, and particularly the City of *Dublin* by quartering Soldiers upon them, to which Mr. *Egor* was ſworn, depoſed that the City of *Dublin* is put to 55 l. *per menſem* for billetting of Horſe, which the Earl avoided by the Practice of his Predeceſſors in the like Caſe, which the Witneſs confeſſed as to Foot Guards.

The Managers then deſired the Remonſtrance from *Ireland* might be read, which the Earl oppoſed as being New matter and not in the Charge but come over ſince his Impeachment, to which they replyed that the Subverting of Laws and Corruption of Government was in general laid, and they produce this to prove his anſwer Untrue as to his Integrity in the Adminiſtration, whereupon the Lord *Baltinglaſs* and Lord *Digby* of *Ireland* vouching the Truth of the Copy it was read in *hæc Verba.*

To the Right Honourable the Lord-Deputy.

The Humble and juſt Remonſtrance of the Knights, Citizens, and Burgeſſes of the Parliament Aſſembled.

Shewing,

The *Iriſh* Remonſtrance.

That in all Ages ſince the happy Subjection of this Kingdom to the Imperial Crown of England, *it was, and is a Principal Study, and Princely Care of his Majeſty, and His Noble Progenitors, Kings and Queens of* England *and* Ireland, *to the vaſt Expence of Treaſure and Blood; that their Loyal and Dutiful people of this Land of* Ireland, *being now, for the moſt part, derived from* Britiſh *Anceſtors, ſhould be Governed according to the Municipal and Fundamental Laws of* England, *that the Statute of* Magna Charta, *or the Great Charter of the Liberties of* England, *and other Laudable Laws and Statutes, were in ſeveral Parliaments here Enacted and Declared, That by the means thereof, and of the moſt Prudent and Benign Government of His Majeſty, and His Royal Progenitors, this Kingdom was, until of late, in its growth a Flouriſhing Eſtate, whereby the ſaid people were heretofore enabled, to anſwer their humble and natural deſires, to comply with His Majeſties Princely and Royal Occaſions, by their free Gift of 150 Thouſand Pounds Sterling; and likewiſe by another free Gift of 120 Thouſand Pounds more, during the Government of the Lord Viſcount* Faulkland, *and after* *by the Gift of* 40 *Thouſand Pounds; and their free and chearful Gift of Six entire Subſidies in the* 10th *Year of His Majeſties Reign, which, to comply with His Majeſties then Occaſions, ſignified to the then Houſe of Commons, They did allow ſhould amount, in the Collections, unto* 250 *Thouſand Pounds (although, as they confidently believe) if the Subſidies had been levied in a moderate Parliamentary way, they would not have amounted to much more than half the Sum aforeſaid, beſides the four intire Subſidies granted in this preſent Parliament. So it is, May it pleaſe Your Lordſhip, by the occaſion of the inſuing, and other Grievances and Innovations (though to His Majeſty no conſiderable Profit) this Kingdom is reduced to that extream and univerſal Poverty, that the ſame is leſs able to pay Subſidies than it was heretofore, to ſatisfie all the before recited great Payments: And His Majeſties moſt Faithful people of the Land do conceive great fears, that the ſaid Grievances and Conſequences thereof, may be hereafter drawn into Preſidents, to be perpetuated upon their Poſterity, which in their great Hopes, and ſtrong Beliefs, they are perſwaded is contrary to His Royal and Princely intention towards His ſaid people; ſome of which ſaid Grievances are as followeth:*

1. *The general apparent decay of Trades, occaſioned by the new and illegal raiſing of the Book of Rates and Impoſitions upon Native, and other Commodities, Exported and Imported, by reaſon whereof, and of extream Uſage and Cenſures, Merchants are beggered, and both diſinabled and diſcouraged to Trade, and ſome of the honourable Perſons who gain thereby, are often Judges and Parties, and that in the concluſion His Majeſties Profit thereby is not conſiderably advanced.*

2. *The Arbitrary deciſion of all civil Cauſes and Controverſies, by Paper Petitions, before the Lord Lieutenant and the Lord Deputy, and infinite other Judicatories upon reference from them, derived in the nature of all Actions determinable at the Common Law, not limited into certain time, cauſe, ſeaſon, or thing whatſoever: And the conſequences of ſuch proceedings, by receiving immoderate and unlawful Fees, by Secretaries, Clerks, Purſevants, Serjeants at Arms, and otherwiſe, by which kind of Proceedings His Majeſty loſeth a conſiderable part of his Revenue upon Original Writs, and otherwiſe; and the Subject loſeth the benefit of his Writ of Error, Bill of Reverſal, Vouchers and other Legal and juſt Advantages, and the ordinary Courſe and Courts of Juſtice declined.*

3. *The proceedings in Civil Cauſes at Council-Board, contrary to the Law and great Charter, not limited to any certain time or ſeaſon.*

4. *That the Subject is, in all the material parts thereof, denied the benefit of the Princely Graces, and more eſpecially of the Statute of Limitations of* 21 *of* Jac. *granted by his Majeſty in the Fourth Year of His Reign, upon great Advice of the Councils of* England *and* Ireland, *and for great Conſideration, and then publiſhed in all the Courts of* Dublin, *and in all the Counties of this Kingdom, in open Aſſizes, whereby all Perſons do take notice, That contrary to His Majeſties Pious Intentions, His Subjects of this Land have not enjoyed the benefit of His Majeſties Princely Promiſe thereby made.*

5. *The extrajudicial avoiding of Letters Patents of Eſtates, of a very great part of His Majeſties Subjects, under the Great Seal (the Publick Faith of the Kingdom by private Opinions, delivered at the Council-Board, without Legal Evictions of their Eſtates, contrary to Law, and without Preſident or Example of any former Age.*

6. *The Proclamation for the ſole emption and uttering of Tobacco, which is bought at very low Rates, and uttered at high and exceſſive Rates, by means whereof thouſands of Families within this Kingdom, and of His Majeſties Subjects in ſeveral Iſlands, and other parts of the* Weſt-Indies *(as your Petitioners are informed) are deſtroyed; and the moſt part of the Coin of this Kingdom is ingroſſed into particular Hands, inſomuch that your Petitioners do conceive that the Profit ariſing and ingroſſed thereby, doth ſurmount His Majeſties Revenue, certain or caſual, within this Kingdom, and yet his Majeſty receiveth but very little profit by the ſame.*

7. *The univerſal and unlawful encreaſing of Monopolies, to the advantage of a few, the diſprofit of His Majeſty, and impoveriſhment of His people.*

8. *And the extream cruel Uſage of certain late Commiſſioners, and other Stewards of the* Britiſh *Farmers and Inhabitants of the City and County of* London-Derry, *by means whereof the worthy Plantation of that Country is almoſt deſtroyed, and the Inhabitants are reduced to great Poverty, and many of them forced to forſake the Country, the ſame being the firſt and moſt uſeful Plantation in the large Province of* Ulſter, *to the great*

1641.

weakning of the Kingdom in this time of danger; the ſaid Plantation being the Principal Strength of thoſe parts.

9. The late Erection of the Court of High Commiſſion, for Cauſes Eccleſiaſtical, in theſe neceſſitous Times; the Proceedings of the ſaid Court, in many Cauſes without legal Warrant, and yet ſo ſupported as Prohibitions have not been obtained, though legally ſought for: And the exceſſive Fees exacted by the Miniſters thereof, and the encroaching of the ſame upon the Juriſdiction of other Eccleſiaſtical Courts of this Kingdom.

10. The exorbitant Fees, and pretended Cuſtoms, exacted by the Clergy againſt the Law, ſome of which have been formerly repreſented to your Lordſhip.

11. The Petitioners do moſt heartily bemoan, that His Majeſties Service and Profit are much more impaired than advanced by the Grievances aforeſaid; and the Subſidies granted in the laſt Parliament, having much encreaſed His Majeſties Revenue by the buying of Grants, and otherwiſe: And that all His Majeſties Debts then due in this Kingdom, were ſatisfied out of the ſaid Subſidies; and yet his Majeſty is of late (as the Petitioners have been informed in the Houſe of Commons) become indebted in this Kingdom in great Sums. And they do therefore humbly beſeech, That an exact Account may be ſent to His Majeſty, how and in what manner His Treaſure is iſſued.

12. The Petitioners do humbly conceive juſt and great fears, at a Proclamation publiſhed in this Kingdom, in Anno Domini 1635. prohibiting men of Quality or Eſtates to depart this Kingdom into England, without the Lord-Deputie's Licence, whereby the Subjects of this Kingdom are hindred and interrupted from free acceſs, to addreſs to His Sacred Majeſty, and Privy-Council of England, to declare their juſt Grievances, or to obtain Remedies for them in ſuch ſort, as their Anceſtors have done in all Ages ſince the Reign of King Henry the Second, and great Fees exacted for every of the ſaid Licences.

13. That of late His Majeſties Attorney-General hath exhibited Informations againſt many ancient Burroughs of this Kingdom, into His Majeſties Court of Exchequer, to ſhew cauſe by what Warrant the ſaid Burgeſſes (who heretofore ſent Burgeſſes to Parliament) ſhould ſend the Burgeſſes to the Parliament, and thereupon, for want of an Anſwer, the ſaid Priviledges of ſending Burgeſſes was ſeized by the ſaid Court, which Proceedings were altogether Coram non Judice, and contrary to the Laws and Priviledges of the Houſe of Parliament, (and if way ſhould be given thereunto) would tend to the Subverſion of Parliaments, and by Conſequence to the Ruin and Deſtruction of the Common-[illegible]alth.

And that the Houſe of Commons hath hitherto, in this preſent Parliament, been deprived of the Advice and Counſel of many profitable and good Members by means thereof.

14. By the Powerfulneſs of ſome Miniſters of State in this Kingdom, the Parliament in its Members, and Actions, hath not its natural Freedom.

15. And laſtly, That the Gentry and Merchants, and other His Majeſties Subjects of this Kingdom, are of late by the Grievances and Preſſures beforeſaid, and other the like, brought very near to Ruin and Deſtruction: And the Farmers of Cuſtoms, Cuſtomers, Waiters, Searchers, Clerks of Unwarrantable Proceedings, Purſevants, and Goalers, and ſundry others, very much enriched, whereby, and by the ſlow Redreſs of the Petitioners Grievances, His Majeſties moſt Faithful and Dutiful People of this Kingdom do conceive great fears, that their readineſs approved upon all occaſions, hath not been of late rightly repreſented to His Sacred Majeſty: For Remedy whereof, the ſaid Petitioners do humbly, and of right, beſeech your Lordſhips, That the ſaid Grievances and Preſſures may be ſpeedily Redreſſed; and if your Lordſhip ſhall not think fit to afford preſent Relief, that your Lordſhip might admit a Select Committee of this Houſe, of Perſons unintereſſed in the benefit ariſing of the aforeſaid Grievances, to be licenſed by your Lordſhip, to repair to His Sacred Majeſty in England, for to purſue the ſame, and to obtain fitting remedy for their aforeſaid and other juſt Grievances and Oppreſſions; and upon all juſt and Honourable Occaſions, they will, without reſpect of particular Intereſt or Profit to be raiſed thereby, moſt humbly and readily in Parliament extend their utmoſt endeavour to ſerve His Majeſty, and comply with His Royal and Princely Occaſions, and ſhall pray, &c.

To this the Earl replyed, that their Lordſhips might obſerve, that it bore Date *Feb.* 22, 1640. which was ſince his Impeachment, and that it is followed by Faction and Confederacy, and a ſtrong Conſpiracy againſt him, as if he had time and opportunity he could make it appear.

And indeed the Complaints of the *Iriſh* Nation againſt him who had in all things endeavoured to promote and advance their Trade and Manufactures, could not be very valuable, ſince they made any alteration of their ancient Cuſtoms, how fooliſh and unreaſonable ſoever, a great Grievance and Occaſion of Complaint; and there is Extant in the Paper-Office, a Petition to reverſe an Order of the Council-Board forbidding them to plough with their Horſes tyed only to one anothers Tails, and to uſe the *Engliſh* way of Traces for their more commodious performing the ſervice of their Tillage.

But his laſt expreſſions put the Managers into a great heat, and Mr. *Glyn* cryed out, My Lords theſe words are not to be ſuffered, charging the Houſe of Commons with Faction, Correſpondency and Conſpiracy, we deſire your Lordſhips Juſtice in this, ſo watchful were they to catch at any ſeeming advantage even of an incautelous Expreſſion.

But the Noble Priſoner, with his wonted Temper replyed, God forbid I ſhould think there was or could be any thing in that Houſe, or any Member of it, but that which agrees with Truth, Juſtice and Equity, and turning to the Lords, proteſted he had no intention to reflect either upon the Lords Houſe in *Ireland*, or the Commons here, but upon certain Perſons that were not Members of the Commons Houſe here, that held Correſpondency with ſome in *Ireland* that are no Members of the Houſe there.

Then the Remonſtrance of the Commons Houſe in *Ireland* was read, being in Effect the ſame with that from the Lords.

Sir *Edward Warder*, Sir *Robert Pye*, Lord *Mountnorris*, Witneſſes.

The next thing which was inſiſted on, was the point of the Revenue, which they endeavoured to prove he had not advanced by the Teſtimony of Sir *Edward Warder*, Sir *Robert Pye* and the Lord *Mountnorris*; to which my Lord made appear that he found the Crown indebted 100000 *l.* at his Entrance, but had ſince improved the Revenue ſo that *Ireland* was able to ſubſiſt without being as it had been in the time of his Predeceſſors a burthen to *England*, and that at his coming over he left 100000 *l.* in the King's Exchequer; and in Fine the Managers did as good as give him the point, for they confeſſed, that it was not to be denied but the Revenue was encreaſed by ſuch means as my Lord *Strafford* hath increaſed it, but that it was not the Natural Revenue but the Bounty of the Country that ſupported the Charge before my Lord came to the Government, ſo that to ſay *Ireland* did not ſupport it ſelf before, in the general ſence is untrue, but to ſay in a ſpecial ſence that the King's proper Revenue did not ſupport it, his Lordſhip ſays true. From whence the Earl inferred that therefore it was not material to inſiſt upon it.

They then Charged him with receiving 24000 *l.* of the King's Revenue and making uſe of it, which in Effect he did not deny, it being a particular Favour of the King to permit him ſo to do, and that he gave good ſecurity for the money and had alſo repaid it.

The Managers here took exceptions at the Earl's interlocutory diſcourſes, to which he anſwered, applying himſelf to the Lords, That he ſhould willingly ſubmit to the Order of their Lordſhips, only there were ſome things put upon him which were not in the Charge, to which he craved Liberty to recollect himſelf to make his Defence, making proteſtation as in

1641.

in the Preſence of Almighty God, and by the hopes he had to be delivered out of his Afflictions that he never had other Intentions then to be true and faithful to his Majeſty and the Common-wealth, and that he hoped to regain the ſame good opinion of the Houſe of Commons which he once had when he was once a Member of it, being he was ſtill the ſame perſon both in Opinion and Intention.

This the Managers oppoſed, and urged to have him anſwer immediately, deſiring if he did not anſwer, then he might be precluded from any future Anſwer.

Upon which he renewed his Requeſt, but withal deſired their Lordſhips, if it could not be granted to bear with many infirmities both of his Body and Mind which were very great, and which did plead for a little Favour and Compaſſion. He ſaid, the Houſe of Commons proceeded with Juſtice according to their Information, but that he knew it was in the Hearts of all that heard him, that he ſhould have time to clear a truth, & that no perſon could he thought deny it, and therefore humbly prayed he might not be ſurprized.

Hereupon the Lords adjourned to their Houſe for half an hour, and at their return Ordered him to make his Anſwer preſently, which to the Admiration of the hearers he did as followeth,

My Lords,

The Earl of *Strafford's* Speech *April* 23.

I Shall never do other than readily obey whatſoever your Lordſhips ſhould pleaſe to command me, my heart paying you Obedience; and ſo in truth ſhall every thing that proceeds from me. The queſtion (I obſerve) is matter of Truth, or not Truth, in the Preamble (as they call it) of this my Anſwer; and to that with all the Humility and Modeſty in the World, I will apply my ſelf, as not conceiving it any way becoming me to ſpeak any thing of Sharpneſs in any kind, but with all Humility and Reverence to bear all theſe Afflictions, with acknowledgment unto Almighty God; and to lay them ſo to my heart, that they may provide for me in another World, where we are to expect the Conſummation of all Bleſſedneſs and Happineſs. And therefore to lay aſide all theſe Aggravations by words, wherewith I have been ſet forth to your Lordſhips (only with this) that I truſt I ſhall make my ſelf appear a perſon otherwiſe in my Diſpoſitions and Actions, than I have been rendred; and ſhortly and briefly, I ſhall fall upon the very points, as near as I can, that were mentioned by that Noble Gentleman; and if I ſhould forget any, I deſire to be remembred of them, that I may give the beſt Anſwer I can on a ſuddain; with this Proteſtation, That if I had time, I ſhould have given a far clearer Anſwer, than on the ſudden I ſhall be able to do.

I will take them as they lye in Order: And the firſt thing in this Anſwer is, That in *Ireland*, by my means, many good Laws were made for increaſe of the King's Revenue, and for the good of the Church and Commonwealth; and this I humbly conceive, was not denied directly, only it was inferr'd, That Laws were of no uſe where Will was put above Law.

That theſe Laws were made, the Acts of Parliament that are extant, and viſible things, do make appear; For (though I might expreſs it darkly, by reaſon I underſtood not matters of Law) the Truth of it is, before ſuch time as I came there, the Statutes of Wills and Uſes, and Fraudulent Conveyances, were not of force in *Ireland*; by which there was a very great miſchief that fell many ways, both on the King, and ſpecially on the *Engliſh* Planters: For by want of theſe Statutes, no man knew when he had a good Title; and old Entayles would be ſet on Foot, and by that means the later Purchaſer avoided; by which means there was a great loſs and prejudice to the King in his Wards; which by theſe Laws are ſetled, and the Laws of *Ireland* brought much nearer the Laws of *England* than before. And in this point I conceive I am not abſolutely gainſayed, but only conditionally, that is, that notwithſtanding this, I have ſet up another Government, Arbitrary, and Tyrannical. To which, I ſhall not now trouble your Lordſhips with an Anſwer, that being in the particulars of my Charge. And thus I think the firſt to be fairly and clearly Anſwered.

Then, that there were more Parliaments in the time of my Government, than in 50 years before. There were two in my time; and if I might call Witneſſes, it would appear, that there were not ſo many within that time before; but being not material to my Defence or Condemnation, I will not trouble your Lordſhips with proof, unleſs you will require it; I having them here, that I think can make it good. And whereas in my Anſwer I deny that I ever had hand in any Project or Monopoly; and that I did prevent divers, that otherwiſe would have paſſed: I ſaid that, under favour, with all duty and confidence; I muſt ſtill affirm it, That I never had hand or ſhare in any manner of Monopoly or Project whatſoever, unleſs the Tobacco-buſineſs were a Monopoly, which under favour, I ſhall clear not to be; but that being part of my Charge, I think it impertinent now to give Anſwer unto it; but will ſatisfie your Lordſhips in that behalf, in proper time and place: But more then that of Tobacco, I ſay abſolutely and directly, I never had my hand or ſhare in any Monopoly or Project; nay, I did, as much as I could, Oppoſe all of them, particularly the Monopoly of Iron-Pots; for which, I reſerve my ſelf to Anſwer as part of my Charge: And a new Book of Rates, whereby it was propoſed, That the Rates of the King's Cuſtoms might be encreaſed. And this I did Oppoſe and Diſavow, albeit I was a ſharer in the Farm, and conſequently ſhould have had the Benefit and Advantage of it for my proportion; and by the King's Gracious Goodneſs (when His Majeſty came to be more fully and clearly informed of it) it was ſtopped, and never went on: And this I will make appear in that point of the Articles that concern the Cuſtoms.

The Fourth is, That I have not had any greater Power, or larger Commiſſion, than my Predeceſſors in that Government have had; which I conceive, under favour, is not controverted, but granted, and therefore ſtands good to me; or if it were controverted, I am able to make it appear, that I have brought in nothing more than was formerly accuſtomed in the point of the Deputies Commiſſion.

The next thing in my Anſwer is, That the Revenue of *Ireland* was never able to Support it ſelf before my coming thither; and that I ſay ſtill, with all Humility and Duty, is moſt true: And I truſt to make it apparently true preſently, if Your Lordſhips will give me leave to call for, and examine my Witneſſes. It being the Proofs Your Lordſhips will look to, and not to what was only alledged by that Worthy Gentleman: And further than Your Lordſhips ſhall find proved, I deſire not to be believed.

The proof offered againſt me, is by Sir *Edward Warder*, and Sir *Robert Pye*, who teſtified, That from the Year 1621. nothing went out of the King's Exchequer to ſupply the *Iriſh* Affairs, ſaving only for the Maritime occaſions. And this I believe to be true; for they be Gentlemen of Credit that ſpeak it: and I will believe them on their Words, much more on their Oaths.

But (under favour) there was for Eight Years together before my coming, a Contribution of 20000 *l.* a Year paid by the Country; which was no part of the King's Revenue, nor as I conceive, ever came into Accompt, nor was paid into the Exchequer, as will appear on the Fifteenth Article; but was a Gift of the Country, and applyed to the King's Occaſions: and that determined, the Revenue fell ſhort 20000 *l.* of the Charge.

Beſides, when I came into *Ireland*, the Crown was extreamly indebted, above (as I think (not to ſtand on particular Sums and Pence) 100000 *l.* Sterling. And by the Gentleman's own ſaying, when I came out of *Ireland*, I left 100000 *l.* in the King's Coffers: And if any ask where the Accompt for the Subſidies is, There is 100000 *l.* Debt paid, 100000 *l.* left in the King's Coffers; (For it appears by Sir *Adam Loftus*, that there was 100000 *l.* in the Exchequer when I came from thence) There was 15000 *l.* employed for buying Land, that yields the King 2000 *l.* a Year. And ſo much of my Lord of *Ormond* as yields 2500 *l.* a Year: So that the Accompts will ſhew the beſtowing of the Subſidies, with as much Advantage as might be, for the King's Service. That the Revenue was ſhort, I could make appear clearly. The occaſion that no Money came out of the Exchequer, was accidental, by a Contribution of the Country, no Revenue of the Kings. And if that had not been ſupplyed, there had been no poſſibility of defraying the Ordinary Charges of the Crown out of the Revenue; and that is the Point wherein I differ from the Gentleman, his meaning being, That the ordinary Revenue of the Kingdom could not bear the ordinary Charge of the Kingdom. And I deſire that Sir *Adam Loftus* and Sir *Robert Dillom*, may be examined upon ſuch queſtions as ſhall be propounded in this point.

And whereas it is ſaid, I was ſhort in the Shipping; I affirm, that under favour, I was not. It is true, that in the time of the late Juſtices, my Lord of *Corke*, and my Lord *Loftus*, the laſt years Charge of the Shipping was paid forth of *Ireland*: But it is as true, that when the Kingdom underwent the Charge, they leſſened the Charge of the King's Army, by ſtriking 500 off from the Army; and transferred the Charge of their pay, to the eaſing of the King's Revenue on the Navy. But that Charge being now increaſed again, and brought to the former certainty, I conceive I might truly ſay, There was in my time an eaſe to the Crown of *England*, (all things conſidered) which formerly it had not: It being not with the prejudice of the King's Service elſewhere, or leſſening the ſtanding Army, which in all times hath been the ſtrongeſt ſupport of the King's Juſtice, and Miniſters there; and which it deeply concerns the Crown of *England*, to keep in ſuch a Condition, that they may be reſponſible to the King for the Services he ſhall Command: So that though the Shipping Charge was paid the laſt year, yet ſo paid, that the King's Army was weakened 500 Foot; whereas now it is paid, and the King's Army raiſed to a certainty again; and a Change is made to the better; for inſtead of 500 Foot, there is 600 Horſe.. And that I ſay, my Lord of *Corke* remembers very well, there being Letters of his, That Sir *Pierce Crosby* his Regiment, ſhould be put off, and the money for maintenance thereof, ſhould go to defray the Charge of the King's Ships, for guard of the Coaſt.

And yet the Charge is much more now than it was; for the Charge was then only two Whelps, as my Lord *Mountnorris* ſaid: And now there be three Ships. The *Swallow*, a Ship of the Third Rank, and two leſſer Veſſels; ſo that I concieve my Anſwer, in my ſenſe, was true.

For the matter of having money out of the Exchequer, I conceive my Anſwer to contain no matter of Untruth; for I had out of the Exchequer only 1500 *l.* and for that the King will be anſwered 2000 *l.* a year good Fee-farm Rent, in lieu of it; which he thought was no ill bargain. It is true, (I ſay) the money ſpoken of by Sir *Adam Loftus*, was borrowed on my own, and Sir *George Ratcliff*'s Bond, to be paid upon ſight. At that time (I praiſe God) I had Credit for 20000 *l.* and at this time (I thank God for that too) I have not Credit for 20 *d.* Gods Will be done, I obey it. But this money is honeſtly and juſtly paid; Where is the Crime then? might not I borrow of a Gentleman that would truſt me with money, but it muſt be an Offence? Is it true, it was of the King's money; but the King had no uſe for it at that time. Had not I made uſe of it, it muſt otherwiſe have lain in the Exchequer, and yeilded no profit; and beſides, I borrowed it of one that was Accomptable for it.

But ſince I am put to it, I will ſhew that which will clear it from being a Crime indeed; which according to the Duty I owe unto His Majeſty, my Maſter, his Command hitherto have I kept private to my ſelf: And that is the King's Warrant, being all of His own Hand-writing.

Witneſs.

Sir *Adam Loftus*, being then Vice-Treaſurer, and now demanded the queſtion, Whether that Warrant was produced to him at the borrowing of the money, confeſſed, that my Lord of *Strafford* never told him of the Warrant.

Kings Warrant read.

The Warrant was read; containing a Licence to make uſe of 40000 *l.* of His Majeſties Treaſure, now in the hands of His Majeſties Vice-Treaſurer, for three years; Provided, that for Security, there be always left in the hands of the Comptrollers, a Stock of *Tobacco*, amounting to 40000 *l.* at the leaſt; with a direction to conceal this particular favour to him, that it might not be brought into precedent; then his Lordſhip proceeded,

There

1641.

There was accordingly ſo much Tobacco left. But, by what Law I know not, The Magazines are ſeized on by Order from the Commons Houſe of Parliament, my Goods poſſeſſed, and given over to others, to ſell at their own prices; my People impriſoned, as if they had been Traytors Goods, and as if an Inquiſition had been found upon me as a Traytor. And this is my Misfortune, to be very hardly dealt withal by the Commons Houſe there, to ſay no more.

And whereas by the Kings Goodneſs I had liberty to take 40000 *l.* I took but 24000 *l.* And where I had liberty to take it for three years (which expires not till *Michaelmas* next) I paid it in long before the time. And by this one particular I hope it will appear to Your Lordſhips, and the Gentlemen of the Houſe of Commons, how Noble it will be to believe Charitably of me, till they hear all can be ſaid; for I truſt, in the whole courſe of this Trial, to appear an honeſt man.

And whereas I ſaid, I never had but 15000 *l.* out of the Exchequer, and yet had 24000 *l.* borrowed as aforeſaid. The King Commanded me I ſhould not take notice of His gracious Favour; and therefore I conceive, that in Duty to my Maſter I ought not to have taken notice of it, otherwiſe my Anſwer ſhould have clearly and plainly expreſt it: I never having Diſobeyed his Majeſty, nor, by the Grace of God, never will.

For the 7000 *l.* for the Guard of the *Iriſh* Coaſt, that was mentioned already; and I ſhall not need to Anſwer it further.

To the point of reſtoring the Poſſeſſions of the Church in a great meaſure; I ſay, there was not only a Reſtitution, but a Preſervation by an Act of Parliament, for preſerving the Poſſeſſions of the Church from being miſ-uſed by the preſent Incumbent, to the prejudice of the Succeſſors; which Act, I wiſh were in *England*: But that I conceive not to be Controverted, but granted me.

But it is ſaid, The Poſſeſſions of the Church were reſtored in an Illegal way, to pleaſe my Lord of *Canterbury*: To which I Anſwer, The Gentleman indeed ſpake it, but there is no proof of it, neither hath he offered any proof; and till it be proved, I conceive it not fit to trouble Your Lordſhips with Anſwering it: I have done nothing in Church or Common-wealth, but Juſtly and Uprightly.

Albeit I conceive it a hard caſe, that having the Honour to be the Kings Deputy ſitting in Council, where there be Twenty who Voted as well as my ſelf, That I ſhould be noted to Anſwer for them all, though I did conſtantly ſubmit my ſelf to the Major part.

And as to my Lord of *Canterbury*, I beſeech Your Lordſhips to think, That what I have done for the Church of *Ireland*, was out of a faithful Conſcience to God Almighty, out of a deſire to increaſe the Religion I Profeſs, and which I will witneſs with my Blood, by the bleſſing of Almighty God, if there ſhould be occaſion. And when I have done it with reſpect to that Piety of His Gracious Majeſty, which I would faithfully pay Him. I deſire it may not be put upon me, as done in an reſpect only to my Lord of *Canterbury*, where no ſuch thing is proved: No, I did it out of Conſcience, my Duty to God, to the King, and to the People, that they might be inſtructed in the way to Eternal Life. And I beſeech Your Lordſhips to believe, I have a Heart a little greater than to do any ſuch thing to pleaſe any man living, with Modeſty be it ſpoken.

For the Building of Churches, I confeſs, I built not any; and in my Anſwer I ſay no more, but that Churches were built; which the Worthy Gentleman acknowledged in ſome part. I confeſs they were not Built by me, or at my particular Charge; nor do I ſay otherwiſe in my Anſwer: And it had been a vain thing to have ſaid it, though I had done it my ſelf.

But it is ſaid, the Anſwer is not right, in ſaying there be divers Worthy Church-men preferred; and three are inſtanced in, Biſhop *Atherton*, the Biſhop of *D.* and one *Gwyn*: To this I beſeech Your Lordſhips, that I may be bold to let the Gentlemen know, That Biſhopricks not in the gift of the Deputy, but of the King; and that he is not Reſponſible for what the King doth.

But not deſiring to deny any thing that is true, I confeſs, I think Biſhop *Atherton* was unknown to His Majeſty; and that I my ſelf recommended him to the Biſhoprick; and at that time I thought the Biſhop a Perſon fit for that Charge: But ſuppoſe he had a ſecret fault of his own, (God knowes it was unknown to me) may not a man be deceived in his Judgment of a man, but this ſhall be turned againſt him? It is a very eaſie thing for a man to cover his faults from the eye of the World; I thought him not a Vicious man, he proved ſo, and he had his merit, he ſuffered for it: And unleſs I had the Inſpection of Almighty God, I ſuppoſe, this cannot be laid to my Charge; if any private End or Reſpect ſhould appear in the doing of it, I deſire no more of Your Lordſhips Favour; and I profeſs, I had rather be out of the World, than not have the Favour of Your Lordſhips, and the Honourable Houſe of Commons; of whom I deſire, that they would hear me with that Equity that they hear every thing.

For the Biſhop of *D.* all that is mentioned againſt him is, That he is Impeached of High Treaſon by the Commons Houſe of Parliament in *Ireland*: And how the Biſhop will acquit himſelf I know not; but for that, the Biſhop muſt Anſwer for himſelf, not I.

This Biſhop hath lived in my Houſe a long time, as my Chaplain; and I humbly recommended him to that Biſhoprick, taking him (and I hope he will ſo approve himſelf) to be a very Learned man, and that I think no body will deny: certainly he hath the Elements to make him a very Worthy Church-man as moſt I know.

For that *Gwyn*, I profeſs I never heard of him before, nor do I know him; But recollecting my thoughts, I think he was recommended to me by my Lord of *D.* for in Matters of the Church I did uſe that Gentleman; and if I were to begin the World again, I would uſe him ſtill, holding him a very honeſt Worthy Man: And I think there was ſome Rectory or Impropriation that the Earl of *Corke* had poſſeſſion of, which was reſtored to the Church; and it was of ſo ſmall and trivial a value, that they knew not who to get to ſerve the Cure; and on that occaſion this man was recommended to it: And I think, that if it ſhall come to be examined, Thirty pounds a Year will go far in his Preferment. And if ſuch a thing ſhould happen, and miſcarry in his hands, it is no ſuch hainous Crime as is objected.

But I deſire leave to ſhew what I have done in this kind inſtead of this Mr. *Gwyn*; and Your Lordſhips may ſee a Liſt of thoſe I have preferred to the Church of *Ireland*, and perhaps they may be known to ſome of Your Lordſhips, and to many Gentlemen of the Houſe of Commons. And firſt I ſay, I preferred Mr. *Gray*, and have done for him according to the means I had by the Favour and Goodneſs of the King; perhaps he hath that which is worth 3, or 4, or 500 *l.* a Year by my Gift. And this Mr. *Gray* (if I be not miſtaken) was ſometimes Chaplain to a Noble Perſon that ſits on the Earls Bench; and if it were material further to enquire of him, I might give ſatisfaction what he is. I likewiſe brought into that Kingdom Mr. *Tilſon*, now Biſhop of *Elphin*, and ſometimes Fellow of *Univerſity* Colledge of *Oxford*, a moſt Worthy, Honeſt, Religious Perſon he is; and thoſe that know him, I am ſure will give him that Teſtimony. I likewiſe preferred Dr. *Margetſon*, Dean of Chriſts Church; he was of *Cambridge*, and a Worthy man. Mr. *Forward*, Dean of *Drummore*, an *Oxford* man; who if he were known, would appear worthy of that Preferment. Mr. Dean *Creſsy*, an *Oxford* man. Mr. *Roade*, Dean of *Derry*, a *Cambridge* man, of *Sydney* Colledge. Dr. *Wentworth*, Dean of *Armagh*, of *Oxford*. Dr. *Price*, Dean of *Conaught*, of Chriſts Church in *Oxford*. Mr. *Thorpe*, a *Cambridge* man. I preferred likewiſe one Mr. *Parry*, whom I found in *Ireland*; but all the reſt I brought, and ſent for out of *England*: Nay, I ſent for them, and did thoſe things for them before they did ask the Queſtion, or knew of it; That being a means, under Gods Bleſſing, to conform that Kingdom to the Church of *England*. And theſe, and far greater numbers than theſe, to my beſt Judgment and Underſtanding, I made uſe of as Inſtruments to Gods Glory, His true Service, and the reducing of the People to the Profeſſion of the ſame Religion that's here in *England*; and for no other end. But concerning my Carriage of the Truſt repoſed in me by the King, touching theſe Eccleſiaſtical Preferments, I deſire no other Teſtimony or Witneſs for me, but the Lord Primate of *Ireland*, who is ſick, and cannot come hither: To whom I will appeal, whether I have not in my preferring to the Church Preferments, carried my ſelf with all clearneſs and care I could poſſibly.

To the point of increaſing of Proteſtants; if Your Lordſhips pleaſe to hear any thing in that kind, I ſhall call my Lord *Dillon*, and Sir *Adam Loftus*, who if they ſhould be asked, Whether there be more Proteſtants in *Dublin* now than when

I firſt came thither? I doubt not but they would give an account of a greater number.

E. of *Strafford*.

My preferring of none but Proteſtant Officers, if I miſtook not, the Noble Gentleman did acknowledge, *meaning Mr.* Pym.

Billetting of Soldiers in *Dublin*.

To the diſpoſing of the Army without Grievance to the Subject; I leave that, (which was ſpoken with ſo much Advantage and Ability, above any thing that from ſuch a poor man as my ſelf, could be expected) and proceed to that which was proved; obſerving, That one only Teſtimony was produced, (*viz.*) Alderman *J.* who ſaid, they have a ſpecial Charter at *Dublin* to exempt them from Billetting of Soldiers. But whether it be ſo or no, it hath ever been denyed by the Deputies: And by his own Confeſſion, the Foot-Companies of my Lord of *Faulkland* were Billetted in *Dublin*. And whereas it was ſaid they had Lodgings, not Money, That was altered upon a Compoſition with the Soldiers, who can expect only Lodging; but if for the Eaſe of the Town they will allow the Soldier Money, and leave him to provide for himſelf, it is all one.

For the Horſe Troops, My own is, and ever ſince I was there, hath been Billetted in *Dublin*. And it is in the power of the Deputy to Garriſon part of the King's Army where he pleaſes, and without controverſie, hath been ſo at all times.

And I deſire that my Lord *Ranulagh* may be asked, Whether the Soldiers of the Company he hath, be not Billetted in *Athlone*, at leaſt ſome part of it. It is true, my Lord of *Faukland*'s Troop was not Billetted in *Dublin*; but they were in the Counties round about, which was more chargeable.

And beſides, here is produced but one ſingle Witneſs; and I hope my own Anſwer may ſtand equal, and in as much Credit, as a ſingle Teſtimony, that on the matter, confeſſes the thing in a great part.

Increaſe of Shipping.

For the increaſe of Shipping, the Gentleman queſtion'd it not; and really there is now 100 Tun for one, that was there before my coming. And if I had time to ſend into *Ireland* for the Certificates of the Officer of the Ports, (the Surveyor, I think) who views the Ports once a Year, it ſhould appear to Your Lordſhips, that I have not abuſed you, nor the Honourable Gentlemen that hear me. And whether that be an Argument that the Trade and Wealth of the Kingdom is improved, (I appeal to all that hear me) when the Shipping doth ſo much increaſe: And the Cuſtoms, which were not above 13000 *l.* a year, are come to 40000 *l.* and that on the ſame Book of Rates.

Jurors Sentence in the *Star-Chamber*.

Concerning the Sentencing of Jurors, and the queſtioning of them in the *Star-Chamber*. It is true, divers of their Sentences were paſt: And to thoſe Sentences I refer my ſelf, till ſomething be proved againſt the Truth and Juſtice of them. And I think it will ſtand with Your Lordſhips Goodneſs, to judge the beſt of the Court of *Caſtle-Chamber*, wherein the Deputy hath but one Voice, They being the King's Miniſters, and ſtanding upon their Oathes to do their Duties: But I think in my Conſcience, there was the greateſt reaſon in the World to ſentence thoſe Perſons. And when it comes to be examined, it will prove ſo. And unleſs a ſtrict hand be in that kind held upon the Natives, the Prieſts ſhall carry them againſt all things that can be. For either they do not, or will not, underſtand their Evidence: ſo that it begets one of the moſt crying Sins in *Ireland*. And if ſome Examples have been made, they are upon ſtrict Grounds and Reaſons of State. For if Jurors going directly and manifeſtly contrary to their Evidence, be not puniſhed, that high and ancient Trial by Jury, will fall. And is it not ordinary in *England* to have Juries Sentenced for not finding according to the Evidence? But if any one hath not been Juſt, upon inſtancing of the particulars, I will Anſwer for his Vote as well as I can: For it muſt ſtand or fall according to the Merit of the Cauſe.

But one thing which I obſerve the Gentleman to ſay, is very Conſiderable; for he tells what was ſpent there this laſt Year. This I have little to Anſwer for: For when I came out of *Ireland*, there was 100000 *l.* in the Exchequer; and how it hath been iſſued, I know not, but it hath not been done by my Warrant or Direction; yet I doubt not but it will appear, when examined, that it hath been faithfully and juſtly diſpoſed. But I am not to Anſwer for it, only I can ſay, That when I came out of that Kingdom, the Kingdom was ſo far from being 60000 *l.* in Debt, (as ſome ſuch thing was ſpoken) that there was 100000 *l.* in the King's Coffers.

And for the 50000 *l.* received by me in *England*, Mr. Vice-Treaſurer in *Ireland* is Accomptable for it, though Mr. Vice-Treaſurer never touched the money, and my ſelf as little. And Mr. Vice-Treaſurer diſcharges himſelf of it by Warrants iſſued from me, and charged it upon other Accomptants; who when they come to Account, I doubt not but a good Account will be given. Though (under favour of the Gentleman) of the 50000 *l.* 14000 *l.* is yet unpaid, only there is an Aſſignment. But it lies on him and his Credit for diſcharge of the Kings Service: And it muſt lye on him, or on ſome other perſon, if himſelf have nothing left him.

And whereas it is ſaid, the money I had as borrowed, was taken out when the King's Army was in want, I deſire Your Lordſhips to obſerve, It was two Years ago when I had this money; and then there was 100000 *l.* in Surpluſage. And though the King gave me Liberty, of His Goodneſs, to uſe it three Years, it was not wanting to the Army when it ſtood in need of it.

The next thing urged, was my Cozenage in the Cuſtom-houſe; and that I had there Cozened the King notably, 5 or 6000 *l.* a year deep.

To Anſwer this, I reſerve my ſelf till I come to the particular Article; but deſire leave with all Modeſty to ſay, That it ſhall appear I have not Cozened, nor deceitfully abuſed His Majeſty for a Farthing Token, neither in that, nor in any thing elſe. And that there is no other Allowance, nor Defalcation by the Grant wherein I am Intereſſed for 15600 *l.* a year, and 8000 *l.* Fine, then was allowed to the former Farmers, that had it at the Rent of 13000 *l.* a year. And that I have made the King a much more profitable bargain than he had, or could have without it.

The next was for the Revenues of the Church, That they were got without Rules of Juſtice; And were an Offering of Rapine. And that I had an Eye to my own Preferment, in the Perſon of my Lord of *Canterbury*: To that I have already Anſwered.

And thus having run over all the Preamble, I humbly begg leave to make ſome Obſervations upon the Teſtimonies produced, (*viz.*) That the Examinations of Sir *John Clotworthy*, and my Lord *Ranulagh*, I conceive, do not concern me. Mr. *Barnewells* was for things ſpoken when I was out of the Kingdom; and were concerning Sir *George Ratcliffe*, and not me.

For the Remonſtrances ſhewed, wherein they diſclaim the Preamble to the Act for four Subſidies, I beſeech Your Lordſhips to conſider, how unlikely it is that I ſhould do any thing in that kinde fraudulently or ſurreptitiouſly: For by the Cuſtom of that Kingdom, the Laws muſt be tranſmitted hither under the Hand of the Deputy and Council, and ſo paſs the Seal, and be returned to *Ireland*; when that Law was tranſmitted, I was here in *England*, as I take it: And abſolutely and directly, I proteſt I never knew any thing in the World of that Preamble, never ſaw it, nor heard of it, I think, till I ſaw it in the Copy of the Remonſtrance; I never heard it was excepted againſt, it having paſs'd the Vote, and three times reading, in both Houſes: And I would have conſented to have it ſtruck out, as in truth I will now, being far from any thing of vanity, and not thinking my ſelf better or worſe by being put in or out: And if it were charged upon me as a Crime, or were material for me to prove it, I think I could by Witneſs in Town prove, That it was the general Vote of the Commons Houſe, and paſſed with as much Applauſe and Chearfulneſs, as any thing. And, if my Lord *Dillon*, and Sir *Adam Loftus*, and ſome other of the *Iriſh* Commiſſioners, were examined upon Oath, I believe they would Swear they never heard any Exceptions againſt it, till the time I was Impeached with High Treaſon.

For the Particular concerning Sir *Pierce Crosby*, it concerned not me; but the reaſon of his being put from the Board was this: All Laws muſt firſt be tranſmitted from the Deputy and Council; the Bill againſt which he Voted was tranſmitted, Sir *Pierce Crosby* was there, and ſet his hand to the tranſmiſſion; and becauſe he did not except againſt it then, being a Member of the Board, but did except againſt it afterwards, it was thought fit he ſhould be Sequeſtred (as I remember) till His Majeſties Pleaſure ſhould be known; but Committed he was not: And it was done by the Vote of the whole Board, but no way to infringe the Liberty of the Houſe; and ſo in Obedience to Your Lordſhips, as near as I could, with a great deal of Weakneſs and Infirmity, I have ſaid as much as I

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can for the preſent recollect, towards the making good the Truth of my Preamble.

And I conclude with this humble ſuit, there being ſome Exception took at ſome Words that fell from me, Many mens Tongues and Mouths may offend, where their Hearts do not: And that in truth I may ſay, my Heart did not offend againſt that Reverence and Duty I ſhall always pay, on all occaſions, to the Honourable Houſe of Commons, and every Member of it; but to others, that are neither Members of this Houſe, nor of the Houſe in *Ireland*, I meant what I ſaid: And I do beſeech the Gentlemen of the Houſe of Commons to accept my Acknowledgment of this truth: and that my Words may not be any ways raiſed againſt me as a Cauſe of their thinking worſe of me; or that I ſhould be peccant or offending, in having other thoughts of the Members and Proceedings of the Houſe, than with all Submiſſion, and all belief of the Equity of it.

To which Defence Mr. *Pym* replied.

WHat I have ſaid in Anſwer of the Preamble, was not by way of Charge, but only for diſproof of that whereby my Lord of *Strafford* would take away, or nullifie the Charge. So that if the Charge remains in force, the Services performed by him, are not effectual to mitigate it.

That what we have propoſed ſtill ſtands unavoided, as we conceive, notwithſtanding any thing my Lord of *Strafford* hath ſaid.

That as concerning Sir *Pierce Crosby* his agreeing to the Tranſmiſſion, if that be true: That there is a preparative part of the Law, and there Sir *Pierce Crosby* might ſpeak as a Councellor; But there is a Legiſlative part of the Law, and that is done in Parliament; and theſe being diſtinct, if Sir *Pierce Crosby* did do any thing at Council-Table, it deprived him not of his Liberty to ſpeak in Parliament. But we are informed, he gave his denial to conſent to the Tranſmiſſion.

And if my Lord of *Strafford* were not guilty in his own Perſon of breach of Priviledge; yet if under his Government, Priviledge of Parliament be broken, it is no matter of Merit to ſay, he procured Parliaments.

It is no Anſwer to ſay, things are not proved, when any thing we urged, is contained under an Article; for then he refers the proof when he comes to the Article; as many things concerning the Lands of the Clergy, will be made good in the proofs of the proper Article.

That he hath preferred many Divines; that is no part of his Merit, nor takes away his fault, though it be true.

That for the Value of his living, we never heard of it till on this occaſion; but be it ſmall or great, it is nothing to juſtifie my Lord of *Strafford*, being offered to this purpoſe; That though his Lordſhip were careful of the Lands of the Miniſters, He was not careful of the Miniſters themſelves, in ſuffering a Groom to execute that high Function; Miniſters being not to be choſen according to the Quality of the Living, but according to the Quality of the Function.

That for the matter of Monopolies, if his Lordſhip do ſtop any, he may ſtop them for ſiniſter Reaſons and Reſpects; and however, there is no Compenſation, doing his Duty in one thing, not ſatisfying for Neglect in another.

And then concluded, That what we have not now replied unto, ſhall be made good in the Charge; and ought not in their Lordſhips Opinion, make my Lord of *Strafford* more plauſible; for the Charge ſhall be made good againſt him in the truth of the Fact, and the Aggravation of it.

Hereupon the Court was Adjourned, and the Committee directed to proceed to the Proofs conducing to the particular Charge, the next Morning.

Wedneſday April 24

The Court being ſate, upon *Wedneſday*, *April 24th.* the Lord High Steward, acquainted the Commons, That the Lords had reſolved, that Sir *Pierce Crosby* ſhould be examined, and the validity of his Teſtimony left to the Judgment of their Lordſhips.

Mr. *Mainard*, one of the Committee of Managers, then opened the Charge in a Speech as followeth,

My

1641.

My Lords,

Your Lordſhips have with admirable Patience attended the Charge that hath been read, and the Anſwer, and the Exceptions taken to the Preamble which my Lord of Strafford *to ingratiate himſelf did make to the main of his Defence.*

My Lords, *I ſhall repeat little of that which hath been ſaid, only pardon me if I ſay this to your Lordſhips, That whereas my Lord of* Strafford *Anſwered to very many particulars, yet to that main one he Anſwered not, which was principally objected againſt him, which I therefore ſpeak to put his Lordſhip in mind of it, that if he can he may Anſwer: and that is, your Lordſhips were pleaſed to hear the Complaints and Proteſtation of the whole Kingdom of* Ireland *read before you, the principal of their Aim ſeems to be to take off the Extolling of my Lord of* Strafford *that himſelf or his Agents had put upon him in a Bill of Subſidies, wherein indeed the Praiſe and Honour due to His Majeſty, was much Attributed to my Lord of* Strafford, *which grieved the Parliament, who would take it off; and my Lord of* Strafford *is now willing to lay it down; and he doth well to do ſo when he can keep it no longer, when thoſe from whom he took it by fraud or force, would wreſt it again from him. I deſire your Lordſhips to remember, and I am ſure you will, That the main of our Complaint is, His alteration of the fundamental Laws againſt Will; His introducing of new Laws at his Will and Pleaſure: This is not only the Cry, but the Teſtimony of a whole Kingdom before your Lordſhips; of all the Lords and Commons of* Ireland.

I ſhall not touch that which concerns breach of Priviledge of Parliament, he would fain put that off on Sir George Ratcliff, *his boſom Friend, and put it off himſelf. My Lord of* Strafford *Sequeſtred Sir* Pierce Crosby *from the Council, his Vote went with it, others joyned with him; but I am ſure he moved it, he concurred with it.*

But now, My Lords, *I humbly Addreſs my ſelf to that we are ready to mantain, The Body of the Charge: And becauſe ſome time hath been ſpent between the reading of the Charge, and the main of the Defence, I deſire leave to open what is the Nature, what the Height and Quality of the Offence, of which this great Lord ſtands Accuſed before you?*

My Lords, *It is a Charge of the higheſt Nature that can be againſt a man; A Charge of High Treaſon. It is a Treaſon, not ending and expiring in one ſingle Act of a diſcontented Heart, but a Habit, a Trade, a Miſtery of Treaſon exerciſed by this Great Lord, ever ſince the King's Favour beſtowed on him.*

My Lords, *It hath two Evils to deprive us of that which is good; That is, to ſubvert and take away the fundamental, the ancient Laws, whereby we are ſecure of whatſoever we do enjoy; it hath (* My Lords *) a poſitive Evil in it, to introduce inſtead of that an Arbitrary Government, bounded by no Laws, but by the Evil Councels of ſuch Miniſters as he hath been.*

My Lords, *It is the Law that gives that Soveraign Tye, which with all Obedience and Chearfulneſs, the Subject renders to the Soveraign. It is the Law (* My Lords *) that gives Honours to the Lords and Nobles; Intereſt, Property, and Liberty to the Subject.*

My Lords, *The Law, (as it is the Foundation and Ground of all theſe) hath its diſtribution in a courſe of Juſtice. Juſtice is derived (as by ſo many Channels) by the ſeveral Courts of Juſtice; whereby the King's Juſtice (for it is His) is brought and conveyed to the Subject.*

My Lords, *Of all this hath my Lord of* Strafford *endeavoured, not only to put the Subject out of preſent Poſſeſſion, but to make him uncapable of the future Benefit of it.*

Other Treaſons, yea, a Treaſon againſt the Perſon of a Prince (which is the moſt Tranſcendent and High Treaſon that can be) fall ſhort of this Treaſon; For a good Prince may be gathered to His Fathers, yet another may ſucceed him, that ſupports the Glory and Juſtice of his Throne. We have had Experience of it: When bleſſed King James *was taken from us to Heaven,* Sol occubuit & nox nulla ſecuta eſt. *But if any one ſuch a deſign as this ſhould take effect, That the Law and Juſtice ſhould be taken from the Throne, and Will placed there, we are without hope of ever ſeeing Remedy.*

Power in ſo great a meaſure taken, is not eaſily laid down, unleſs it be by the exceeding great goodneſs of ſo merciful and juſt a Prince as we have.

My Lords, *The Particulars of this Treaſon are Conveyed to your Lordſhips in* 28 *ſeveral Articles. I ſhall ſhortly and briefly touch but the Heads of thoſe on which I ſhall inſiſt, ~~and~~ give ſome diſtribution of them. And I think the beſt way will be this; To conſider firſt what he did, and what he ſaid, before he went into* Ireland; *then what he did and ſaid there; and what he hath done ſince. And in all of them, you will find this his main deſign, which I have opened, That Law might no were ſtand againſt his Will; and to ſettle it, that he might continue ſo.*

My Lord hath declared this in incroaching Juriſdiction where it was not, in exerciſing an Arbitrary Power under that Juriſdiction; in taking on him a Power to make Laws; In Domineering and Tyrannyzing over the Lives, the Liberties, the Goods, the Eſtates, and whatſoever is the Subjects.

And (My Lords *) this hath he done, not only on thoſe of the meaner ſort that could not reſiſt him, but on the Peers, on the greateſt and moſt ancient Nobility of* Ireland: *And what might your Lordſhips expect, but the ſame meaſure at his hands, had his Will had its paſſage here, which it had in* Ireland. *I ſhall come now to the particular Articles.*

1. *And firſt, Whereas it pleaſed His Majeſty to place him with Power and Honour in his hand in the North as Preſident, he had not been long there; but that Commiſſion which bounded and pleaſed his Predeceſſors, he muſt needs ſurmount and overgo. There was a Commiſſion in* 16 Jac. *which the then Lord-Deputy had, in which was that Legal phraſe* Secundùm antiquum curſum, *his own Commiſſion* 4 Car. *purſued that, without any alteration; but being in but four years, this would not pleaſe his boundleſs Ambition, he muſt needs have the Power that the Lords in the* Star-Chamber *have put in expreſs terms, a Power to proceed according to the courſe of the* Chancery, *that his Conſcience might limit other mens Eſtates; That his Injunctions might ſtay other Proceedings at Law: And which is higheſt of all, if any thing be done in that Court, within theſe Inſtructions, then no Prohibition ſhould be Awarded. He would make himſelf ſafe from any ſuperviſing of other Courts.*

If he Committed any man to Priſon, though a Habeas Corpus *were granted (then which, the Subject hath no other remedy to vindicate his Liberty) the Officer (for the encouragement of thoſe which be under his Power) muſt not obey it. And if any Fine be put upon the Officer, then comes a command in this Commiſſion, That the Fine ſhall be diſcharged; ſo he not only takes a Power to himſelf, but alſo takes the Scepter of Juſtice out of the King's Hands; for by this means there is an impoſſibility the Subject ſhould have the Juſtice that my Lord knows is due to him; and he knows it right well: for when he was a Member of the Houſe of Parliament, it was his own motion, who now ſtands at the Barr, That all the Officers and Miniſters of State, ſhall ſerve the King according to that Law, and he is the firſt Officer and Miniſter of State, that breaks it; and in the moſt tranſcendent degree that ever it was broken.*

My Lords, *He doth in this, as much as in him lies, ſay to the Laws, Do your worſt; You can but Fine, and that you can do ſhall come to nothing; the Fine ſhall not be paid, The Officer ſhall not obey you.*

If this had been a ſingle Act, we ſhould never have accuſed him of this Treaſon, though it comes very High, and very Tranſcendent. But the Oppreſſions and Injuſtice, the Counſels and Speeches that we preſent to Your Lordſhips, we preſent them not ſingly, but as together, deſighing and noting, what a Treaſonable purpoſe and diſpoſition is in him.

2. My Lords, *The next thing he doth when he is in the North among the Juſtices of the Peace, and the People attending for Juſtice, you ſhall ſee what Encouragement he gives them to look for it; and how foul a thing he dares to fling on the Sacred Majeſty that did advance him. He tells the Juſtices that were to do Juſtice, and the People that were to receive Juſtice, That ſome of the Juſtices were all for Law, but they ſhould find, The King's little Finger is heavier than the Loyns of the Law. Your Lordſhips may conſider what a tranſcendent Speech this was, out of whoſe Mouth it came, what ſad Accidents happened upon it; nothing could move this Lord to utter it: but his Will and his Violence muſt out, though he burſt a Kingdom in pieces for it.*

3. *The next thing is this, When he goes into* Ireland *you will find his Temper and Spirit not a whit Allayed; but now being further from His Majeſtie's Perſon, he is higher in his Power and in his Will. It is true, that Kingdom was annexed to this many years ago; but they that now poſſeſs the greateſt part of it, are Subjects of this Kingdom, deſcended from them that went from hence thither. Yet he tells them in a ſolemn Speech, not ſuddenly but ſolemnly, That* Ireland *is a Conquered Nation, and the King might*

1641.

do with them what he would; and that their Charters were nothing worth, and bind the King no longer than he pleaſes. Surely (My Lords) We might ſee what he would do if he had Power. But God be bleſſed, we find not the diſpoſition any where reſented by His Majeſty; and we hope that ſuch Councels ſhall never have Acceſs to ſo good and gracious an Ear.

4. The next thing, he ſtays not in words, but will be as good as his word if he can; and he begins high. For that we preſents next, is a Peer of the Kingdom thruſt out of his Poſſeſſion by my Lord of Strafford's Order; and when he Sues at Law for recovery of his Right, my Lord Threatens him. Truly Threatnings are not good, in ſuch a caſe, where a man Sues for Juſtice, And from him that ought to Adminiſter Juſtice, and further him in it; yet he Threatens him Impriſonment, to which Peers are not ordinarily liable.

Firſt my Lord tells him, He will not have Law nor Lawyers queſtion his Orders; he might debar the Lawyers in ſome Caſes, but why a man ſhould have a Spleen at the Law, that his Orders ſhould not be examined by, that I know not. And he goes higher; for when there was an occaſion to ſpeak of an Act of State, he tells him, That he will make him and all Ireland know, that as long as he had the Government there, any Act of State made, or to be made, ſhould be as binding as an Act of Parliament.

My Lords, He cannot go higher in Speeches than this, That an Act of State of his own making, and his own Power, ſhould be as binding as an Act of Parliament.

Nay, he tells them in Parliament, That they were a Conquered Nation, and muſt expect Laws as from a Conquerour.

5. Next we ſhall ſhew divers Inſtances wherein he exerciſes Power over the Lives, Lands, and all that is the Subjects; deduced into ſeveral Articles, viz. the 5th, the 6th, the 7th, and the 8th.

In particular, one I ſhall be bold to open, That is the Caſe of my Lord Mountnorris, another Peer of that Kingdom, and a great Officer there. Some words fell from that Lord, ſpeaking of one that had trodden on my Lord of Strafford's Toe, That he hoped the Party did it not in Revenge; for he had a Brother that would not have ſought ſuch a Revenge. For theſe words, ſpoke at a private Table, half a year, yea ſeven months before, my Lord of Strafford calls a Council of War, and judges his Lordſhip to death.

My Lords, It is no wonder that he would make the King's little Finger ſo heavy, that could make his own Toe heavy enough to tread the Life of a Peer under his Feet.

And he did not only give Sentence in that Caſe, but cauſed Execution to be done in another Caſe, upon one D. who was condemned by Martial Law, and hanged at Dublin, where there was no War at all.

Other particulars will follow when I fall upon proof.

9. Then he comes to make Laws; and that is in the 9th Article. By the Laws of England and Ireland too, the Eccleſiaſtical Power is diſtinct from the other, it not extending to the Impriſonment of the Perſon, but is to attend the King's Courts, and to receive directions from thence; yet he makes a Warrant to the Biſhop of Downe, (and he made it to others too) That if any of the poorer ſort did not appear upon the Biſhop's Citation, or not obey when they did appear, they ſhould be Attached and Impriſoned; Here he makes a Law of himſelf, and ſubjects the Liberties of the Subjects to his own Pleaſure; but this was for the poorer ſort of People, though Juſtice ſees no difference in matters of Eſtate, betwixt Poor or Rich: But when he hath brought it on the Poor, he will afterwards bring it on the Rich.

10. The next is a Power of laying Impoſitions on the Subjects: Firſt he is a Farmer of the Cuſtoms, he puts exceſſive Rates upon the Commodities; that which is worth but 5 s. as the Hydes, he will have valued at 20 s. and the Wool, which is worth 5 s. he will have it valued at 13 s. 4 d. and by this he takes away, in effect, whatſoever the Commodity is worth; for the Cuſtoms come very near the Value.

Another particular in this I ſhall be bold to open, and I hope his Lordſhip will provide to give an Anſwer, He hath advanced by this the King's Cuſtoms, and a Rent of 1350 l. is encreaſed to the Crown: But it will appear to your Lordſhips, that the Crown hath loſt, and he only hath gained. And whereas my Lord of Strafford ſays there was no other Defalcations in his Patent, than in the former, that will fall out to be otherwiſe; for this is the State of the bargain.

There was a former Rent of 9700 l. which the Duke of Buckingham paid out of this

Farm. On the Earl of Strafford's Patent that Rent is reſerved, and as much as came to 1350 l. more, but in lieu of 1350 l. advanced to the King, my Lord of Strafford hath in his Grant the Surpluſage of Wines (which were not in the Duke's Patent) worth 3400 l. a year, beſides a Rent paid for the Term of the Wine of 1400 l. And whereas there was no defalcation of the Cuſtoms of London-Derry and Colerane in the Duke's Leaſe, which amounted to 1500 l. a year; my Lord of Strafford muſt have a defalcation for them: And then the Seizures, which were 500 l. a year; and for Knockvergus and Straniford 2500 l. a year, ſo here is above 5000 l. a year leſs to the Crown, in lieu of the advance of 1350 l. a year, beſides the increaſed Cuſtoms, amounting to 12000 l. a year: And yet he again hath far exceeded this proportion. We ſay further, he doth not only impoſe on the Subjects, but takes away that which is the Subjects utterly and entirely, as in the caſe of the Flax. It is true, the Employment of it belongs to Women; but it is the greateſt Commodity (one of them) of that Kingdom, and of greateſt profit; the Revenue of the Cuſtom of it being 800 l. a year; and this he hath gotten into his own hands and poſſeſſion. This he got from the Natives, and took it to himſelf. He doth for that purpoſe, iſſue out a Proclamation, That they ſhall uſe it in ſuch a way wherein the Natives were unskill'd, and if it were not ſo done, it ſhould be ſeized: and it was ſeized accordingly, yea their Houſes broke open, and their Goods taken away, and brought to my Lord of Strafford's Houſe, where they were employed in his works. The like we ſhall inſtance in Tobacco.

15. Next we ſhall ſhew to Your Lordſhips how he hath levied War upon the King's Subjects. We opened in the beginning, what an Arbitrary Juriſdiction he ſet up; here we ſhall ſhew how he uſed it by a meer courſe of Enmity and Hoſtility. For (My Lords) this was the courſe; If a Decree or Order were made by him, and not obeyed, he iſſues a Warrant to the Serjeant at Arms, to go to the next Garriſon, and take Soldiers, with an Officer, and carry them to the Houſe of the party in queſtion; it is no matter where it was, but to the Houſe of them that were pretended to be diſobedient, they were to go: If the Decree had been to raiſe ſo much money, or to put parties in poſſeſſion. In plain terms, the Soldiers were to lye like Free-booters, and Enemies on the King's People to eat them up. They have killed their Sheep, their Oxen, and they have lain not on the parties only, but on their Tenants, till the party comes in and renders himſelf. They have burnt their Houſes, taken their Wives, and Friends, and carried them away, till Obedience was rendered, and this is a levying of War upon the King; For the King and the People are both ſo united in Affection and Right of Law, that there cannot be Violence offered to the King, but it redounds to the People; nor can any Oppreſs the People in this ſort, but it redounds to His Majeſty. Beſides, it is contrary to a Law of that Kingdom; whereby it is Enacted, That if any perſon ſhall aſſeſs Horſe or Foot, on any of the King's People, without their conſent, it is High Treaſon.

The next thing we ſhall go to, is the Favour he ſhewed to the Papiſts, in their Compoſitions and Exemptions from all penalties of Law; for they were expreſly not to be proceeded againſt, nor to be Convicted; and ſo that which hath influence into Religion and Reformation, is quite taken away, and nothing but matter of Profit is left.

The next Article is that that concerns the Kingdom of Scotland. Firſt he begins with them in Ireland; contrives an Oath, which is ſet forth in the Articles, That they ſhall obey the King's Royal Commands without exception. This he enforceth, by Fining and Impriſoning them that diſobeyed him: And ſo in all the other particulars when his Proclamations were broken, his courſe was by Fine and Impriſonment to enforce an Obedience.

My Lords, He doth not only preſs them in their Eſtates, but ſtrives to infuſe into His Majeſty an ill Opinion of them; he provokes and incites Him by all his Arguments, to lay down his Mercy and Goodneſs, and Juſtice, and to fall into an offenſive War againſt that Kingdom. He gives out, that the Nation of them (not this or that man) are Rebels and Traytors: And if it pleaſe the King to bring him back to the Sword (indeed he is fit for that, it is a violent weapon) he will root out the Scottiſh Nation, Branch and Root; ſome few excepted of thoſe that had taken the Oath.

When he comes into England, he finds that His Majeſty, with great Wiſdom, had pacified thoſe Storms and Troubles that threatned us there: Yet he doth incenſe the King ſtill to follow this to an Offenſive War, and prevails; He plots to call a Parliament, but with an intention (if it furniſhed not his deſign) it ſhould be broken, and he would ſet up other ways of force to raiſe Moneys of the Kingdom; and this fell out unhappily: For thus far his project took, the Parliament was broken, and broken at the very time when the Subject was in debate and conſideration, how to have yielded Supply to His Majeſty.

1641. *But that he might break it, he falſly informs the King, That the Parliament had denied to Supply him; there is his Counſel, that the Parliament had forſaken the King; and now the King having tryed his People, might uſe all other ways for the procuring and raiſing of moneys; and the ſame day wherein that Parliament was unhappily Diſſolved, he gives his further Counſel to His Majeſty,) which becauſe no man can put ſuch a Spirit of Malice into the words beſides himſelf, I ſhall take the boldneſs to read) That having tryed the Affections of his People, he was looſe and abſolved from all Rules of Government; and he was to do every thing that Power would admit. And that His Majeſty had tryed all ways, and was refuſed, and ſhould be acquitted both of God and Man. And that His Majeſty had an Army in* Ireland, *which he might employ to reduce this Kingdom. It is added in the printed Book (to reduce them to Obedience) I know not who Printed it, but the Charge is only (to reduce this Kingdom.)*

And (My Lords) *you may pleaſe to conſider, what a ſad time this man took to reflect upon theſe bad Councels, when our Hearts were ſwoln with Sorrow for that unhappy breach of the laſt Parliament. And what doth he adviſe the King? what poſitions offers he? That he was abſolved from all Rules of Government. If there be no Rule of Government,* (My Lords) *where is the Rule of Obedience? for how ſhall the People know to obey, when there is no Rule to direct them what to obey? He tells the King he was refuſed, which was untrue; for he was not refuſed to the laſt breath we had in Parliament: but we ſpake in that point, how to ſupply the King, and to prefer it at that time, before the Complaints of our juſt Grievances.*

But what doth he fall into? that which in another Article we charge him with, a Plot and Conſpiracy betwixt him and Sir George Ratcliffe *to bring in the* Iriſh *Army for our Confuſion, to root out our Laws and Government; a pernicious Counſel. He ſays not you ſhall do it; but he that perſwades it, doth as much as if in expreſs terms he had counſelled the acting of it. Doth he mean that we ſhould be to his* Iriſh *Pattern; (for ſpeaking of the* Iriſh *Army conſiſting of Papiſts and his Adherents, he ſaid, that he would make it a Pattern for all the Kingdoms;) did he mean to reduce us to the Pattern that he hath placed in* Ireland? *Surely he meant to reduce us to a Chaos and Confuſion, He would have us without all Rules of Government; and theſe be the means, wicked and cruel Councels, and the Cruelty of an Army inſpired with his Spirit, and conſiſting of Papiſts, Enemies of our Religion: And what Mercy could we of this Religion expect from Popiſh Enemies with Swords in their hands? That cannot but ſtrike all* Engliſh *Hearts with Horrour and Dread, that an* Iriſh *Army ſhould be brought into* England *to reduce the Subjects of* England. *I hope we never were ſo far gone in any thing, as that we ſhould need an Army to reduce us. I cannot but ſay here is the Counſel of* Haman, *when he would in one day cut off all the* Jewiſh *Nation, and have the King intend a Favour to him. The King propounds a queſtion, What ſhall be done to the man whom the King will Honour?* Haman *thought in his heart, Whom will the King Honour but my ſelf? And ſo my Lord of* Strafford *having raiſed this Army, it was ſet up by him; and if ſuch a Counſel as this was entertained, into whoſe hands ſhould it be put? (here were* Haman'*s thoughts) who ſhould have the Power of it, but he that hath inſpired it, and ſince maintained it?*

Truly (My Lords) *it was a deſperate Counſel; and methinks the Counſel of* Achitophel *might have been compared to it: for when he had ſtirred up the Rebellion of* Abſolom *againſt his Father, he perſwades* Abſolom *to that which might breed an irreconcilable hatred between them. Yet a Father and a Son might be reconciled. But he that adheres to the Son in this caſe, might not ſo eaſily forgive. Therefore this Lord falls upon a Counſel which he thought would never be forgiven. A Connſel of irreconcilable difference, to ſubdue us by Force and Power; and takes away all poſſibility of Addreſſing our Complaints to the King, as he had done from thoſe of* Ireland; *when he not only foreſtalls their Complaints, but by a Proclamation takes order, that none ſhould come over too, without his Licence; which was in effect, that none ſhould complain of his Oppreſſion without his good liking.*

Some violent Speeches he uſes, ſuitable to theſe Counſels, That no good would be done upon the Aldermen, till they were hanged; That the French *King employed Commiſſaries to looke into mens Eſtates; which will be inſiſted upon in their proper place.*

Next, he levied eight pence a day for maintenance of the Trained-Soldiers, againſt the Will of the Country, which he ſaid was done by the conſent of the Lords of the great

Coūcel; which we know is untrue. And we ſhall prove it untrue in the other part, where he ſays, it was done freely, by conſent of the Gentlemen of the Country: Moſt of them that did conſent, were his own Friends and Papiſts. But the Petition of the Country, (as to that part of it that concerns a Parliament) he rejected, becauſe he would have no Parliament. And he prefers another in the name of the Country, and that he calls, The Petition of the Country.

And now I ſhall apply my ſelf to the proofs; and ſhall take care to offer nothing, but what will fall out to be proved. And ſhall firſt apply my ſelf to the firſt Article, concerning the Commiſſion for the North parts; where an Arbitrary Power was thereby granted, as is uſed in the Star-Chamber *and* Chancery.

In the opening of it, firſt we ſhall produce the Commiſſion of 8 Car. *and that of* 13 *differs but little from it. We ſhall ſhew that theſe Clauſes were procured by him to be inſerted upon occaſion of a Gentlemans, Sir* Thomas Gore *being Fined in the Court of* Star-Chamber *there, and his being Arreſted by a Warrant from my Lord* Wentworth *here in* London. *We do not go about to prove that he ſolicited for this Commiſſion, but that he expreſſed his deſire of it; and upon that it was granted.*

We ſhall prove that it was executed in this high manner, that when Prohibitions have been taken out, he hath puniſhed the parties, ſome he hath threatned; Nay, Money hath been given to thoſe that were Defendants in the Prohibition. And we ſhall offer this too, The Judge is dead before whom it was; but upon occaſion of a Prohibition, he went to a Judge, a Reverend and Juſt man, Mr. Juſtice Hutton; *what was ſaid privately between them, we cannot tell; but we ſhall prove, that Mr. Juſtice* Hutton *complained with Tears in his Eyes, how that Lord uſed him about a Prohibition: And ſo we ſhall leave this Article with this. We ſhall not go about to prove Decrees, for which he might have Colour; but for theſe Clauſes he could have no Colour, they never being in any Commiſſion before.*

Then the firſt Article of the Charge was read, to which the Reader, for avoiding Repetition, is referred.

The Commiſſion granted 21 *March*, 8 *Car.* to act according to Courſe of *Star-Chamber*, was read, and they inſiſted upon the 19*th* Article, where it was provided, *Fines impoſed ſhould not be leſs than thoſe by Act of Parliament*; upon Article 23. *for Injunctions to ſtay proceedings in any Court at Common Law*; Article 28. *for the Power of the Serjeant at Arms to attach in any place in the Realm of* England; 29 Article, *That no Prohibitions ſhould lie in the Courts at* Weſtminſter.

John Gower.

To theſe *John Gower* depoſed, *That his Father was Arreſted in* London, *appealed to the Council, pleaded the Precincts of the Court did not Extend ſo far; that the Earl fell on his Knees and beſought the King, That if his Inſtructions would not reach to bring in a Delinquent that ſhould ſtep over the Water, he might leave the Service, and lay his Bones in his own Cottage. Evers Gore* ſwore to the ſame effect.

Evers Gore.

John Muſgrave.

John Muſgrave depoſed a Prohibition in the Caſe of *Muſgrave* and *Vaux*, *which the Lord Preſident ſaid he would not obey.*

F. Thorp.

F. Thorp depoſed, *That my Lord told him he was one that oppoſed him, that he ſhould hereafter hear further from him; That his Lordſhip put him out of the Commiſſion of the Peace, but he could not ſay he puniſhed him for the Prohibition; That he durſt not move for any Prohibitions, knowing well the price of my Lord* Strafford's *diſpleaſure. That for ſaying in the Traverſe of an Indictment, That the bare Indictment was no Evidence to the Petit Jury, and that he appealed to the Judges, he was ſent for by a Purſevant, and that my Lord told him, he would teach him to know there were other men for him to complain to, viz. the Preſident and Council. That for this oppoſing the Juriſdiction of the Court at* York, *he was bound to the Behaviour, and forced to make ſubmiſſion at the Seſſions.*

Then my Lord was called upon for his anſwer; he deſired a little time to retire to reſt and peruſe his Notes; which the Managers oppoſed; but the Lords allowed him to do it at the Barr.

After a little Reſpite he made his Defence, *He ſaid there was a great difference between Treaſons and Miſdemeanors; that there was nothing in this that can be Treaſon, and that if a Thouſand Miſdemeanors will not make one Felony,* 28 *Miſdemeanors could not be heightned into Treaſon; That if his Accuſations be not Treaſon, he ought to be admitted Councel; that he had no leave to ſummon a Witneſs till* Friday *laſt, which was a little ſevere, however he anſwered,*

That as to the Inſtructions and Commiſſion he did not procure them, or knew any thing of them; that the Commiſſion was renewed of Courſe, Sir Arthur Ingram *going out, and Sir* John Melton *ſucceeding as Secretary. That the the King's Councel of the Fee offer ſuch things as may advance the King's Service, and that from them it paſſes to the Lord Keeper or Chancellor; That he gave no Directions about it, nor was any proof offered that he did: as to the Execution he never did Act, nor ſtay a minute as Preſident after that Commiſſion granted, which appears by the Date, which was* 21 March, 8 Car. *and he went towards* Ireland July *following; and being neither privy to the taking out the Commiſſion nor Execution, he appealed to their Lordſhips and the Gentlemen of the Houſe of Commons, Whether he could be Criminal; That if there be an Error in a Judge, ſo that he gives a Sentence otherwiſe than a man of better Underſtanding conceives Reaſon for, there is no cauſe it ſhould be heightned to a Treaſon, to take from him his Life and Honor, merely becauſe he was no wiſer. That what Mr.* John Gore *ſpeaks to is not in his Charge. That to what* Muſgrave *depoſeth, he can ſay nothing but by way of Divination, that he is but a ſingle Witneſs, ſpeaks not to the Charge; that what he ſayes will hardly convince a man of a Treſpaſs, it being Grounded on a Rule in our Law,* Boni Judicis eſt ampliare Juriſdictionem, *as far as in Reaſon and Juſtice they may. As to* Thorp's *Teſtimony which he ſpeaks to, was before the Commiſſion,* 8 & 13 Car. *and ſo is not within the Charge.* This he proved, that from *July* 8. 1633. he was out of *England*, and returned not till 1639. by Mr. *Slingsby* his Secretary, Mr. *Railton*, and Mr. *Tho. Little*, but not upon Oath.

Witneſſes for the Earl, *Slingsby, Railton* and *Little.*

To this the Managers rejoyned, *That whereas he ſaid the Charge is not Treaſon, if the Fact appear ſatisfaction will in good time be given; That though this particular is not Treaſon, yet all the parts of it amount to the ſubverſion of the Laws of the Kingdom, that is preſt as Treaſon and this as an Evidence.*

Then they fell upon that Expreſſion in the charge Art. 2. that at a Publick Aſſizes he ſhould ſay, *That ſome of the Juſtices were all for Law, and nothing would pleaſe them but Law; but they ſhould find that the King's little finger ſhould be heavier than the Loins of the Law.*

This they indeavoured to prove. Mr. *William Long* depoſed, That he heard him ſay the words; Sir *Thomas Leyton* depoſed the ſame, and the depoſition of *Marmaduke Potter*, deceaſed ſince his Examination, was read, being to the ſame words.

Witneſſes, *William Long, Sir Thomas Leyton, Marmaduke Potter.*

To this he anſwered, *He could not poſſibly be guilty of the words as laid in the Charge, which ſayes it was* Auguſt, *after the* 21 March 8 Car. *at what time he was in* Ireland; *but he would not ſtand upon Niceties, that truth might appear; that the words he ſpoke were, That the little finger of the*

the Law was heavier then the King's Loins; which agrees with the occaſion; for Sir Thomas Leyton *Sherriff Levying with great rigor ſome Knighthood-Money, which was paid before, but by ſome Error above ſent down again, upon which he deſired Sir* Thomas *to return the Money, and he would ſee him diſcharged in the Exchequer, it being ſo great an Injuſtice to the Perſons; and to ſatisfie the Country, he told them the Commiſſion was of Grace and Favour, applying thoſe words before recited, that none of the Witneſſes took notice of the Occaſion.*

Witneſſes, Dr. *Duncomb* for the Earl, Sir *William Pennyman.*

Dr. Duncomb *being demanded what he knew, depoſed for the Earl, That Sir* Edward Stanhope *told him in the preſence of divers, that my Lord had ſaid, That ſpeaking of the Prerogative as eaſier then the Common Law, he heard him uſe the words before recited. But Sir* William Pennyman *poſitively averred it to be as my Lord had declared, at which the managers took great Exception, ſaying, He did his duty well being a Member, not to inform the Houſe before. The Earl deſired he might not be prejudiced for his Teſtimony, profeſſing he would put himſelf upon God's Mercy, and not make uſe of any member of either Houſe, though his principal Witneſſes were of them, rather than be guilty of the Injuſtice of overthrowing another to ſave himſelf.*

Then Sir *David Fowles* was offered as a Witneſs, but my Lord excepted againſt him, being then a Priſoner in the *Fleet* at my Lord's Suit. But he was over-ruled, the Evidence being for the King. He depoſed poſitively, *That he heard the words, but the occaſion he did not remember*, but being interrogated as to the occaſion a little after, he anſwered, *That before my Lord went to* Ireland *he made a Speech to the Countrey, and deſired them to go on in their Service, and to break out in theſe words*; which as it contradicted the former Evidence as to the Occaſion, ſo he contradicted himſelf, ſaying but juſt before he could not well remember the Occaſion.

Sir *William Ingram* depoſed the words, but could not remember the Occaſion.

Sir *William Ingram.*

To this the Earl replied, *That admitting the words ſpoken, yet they were not Treaſon,* and referred that as a point of Law in due time to be argued by his Councel; and the Managers adding *they had proved the Fact*, the Court adjourned.

Thurſday, March 26. The Fourth Day.

This day they proceeded to the Third Article, That the Earl ſhould ſay, *That* Ireland *was a Conquered Kingdom, and the King might do with them what he pleaſed; That the Charters of* Dublin *were nothing worth, and did bind the King no further than he pleaſed.*

The Earl moved that he might add ſomething material to what was ſpoken yeſterday; the Manager oppoſed it, as contrary to Order. The Earl ſaid *it was a Court of Honour, and a Rule to it ſelf*, alledging the diſadvantage of ſuddain Anſwers; but it was denied him. Then he moved the Witneſſes might not ſtand with the Committee, but apart as in other Courts; which was alſo denied:

Robert Kennyday.

Robert Kennyday was produced, but the Earl objected againſt him as a perſon Sentenced for Miſdemeanors in his Office of Remembrancer, ſaying, *It was his great Misfortune, that all that have ſuffered under the King's Juſtice in his Miniſtry, are ready to be Witneſſes againſt him.* But the Manager replied, *If he was guilty of Extortion, yet not of Perjury.* So he was ſworn and depoſed poſitively, *that he heard the words* Sept. 30. 1633 *ſpoken at the Preſenting a New Mayor of* Dublin.

Richard Earl of *Cork.*

The Earl of *Cork* was ſworn, againſt whom the Earl Excepted, in regard of an Information againſt him, which under his hand and Seal he had confeſſed and acknowledged himſelf in the King's Mercy, for which he might be ſuppoſed to be diſpleaſed at him for ſomething done in that Cauſe. To this it was ſaid the reflection was unfit, the Earl of *Cork* being a Privy-Councellor; ſo he was admitted: He ſaid *he came over with a Reſolution not to complain, and left his Papers behind him, that he might have no temptation to it*, but depoſed poſitively the Words in the Charge.

Lord *Gorminſtone.*

The Lord *Gorminſtone* alſo depoſed that he heard the Earl ſpeak thoſe words at another time in open Parliament; *and that the Commiſſioners who drew the Inſtructions for the Government of* Ireland, *were a Company of narrow hearted Commiſſioners.* The Lord *Kilmallock* depoſed the ſame; Sir *Pierce Crosby* depoſed the ſame.

Lord *Kilmallock,* Sir *Pierce Crosby.*

My Lord of *Strafford* after a quarter of an hours reſpite made his Defence, *That he had obſerved the Natives of* Ireland *have not been Propitious to their Governours*; he inſtanced in Sir *John Perrot, on their Teſtimonies attainted of Treaſon in a legal Ordinary way, who loſt his Eſtate though not his Life, and yet after it was confeſt there was little truth in the Accuſation. My Lord* Faulkland *had the ſame treatment, being informed againſt by the ſame Witneſſes, Sir* Pierce Crosby, *and Lord* Mount-Norris, *and yet it appeared he had dealt as Honourably, Juſtly and Nobly to his Underſtanding, as any man could do; That it was impoſſible but in the way of Juſtice a Governour muſt give Offence to many, which he intreated their Lordſhips to conſider.* He ſaid, *That though the words were ſpoken, yet were they not Treaſon; and had they been Treaſon, yet by Proviſo of Stat. of* Ed. 6. *the Information ought to be within* 30 *dayes*; He inſtanced in the Lord *Cook* in *Calvin*'s Caſe, 20 H. 6. 8. *Dyer* 360. to prove *that the Laws and Cuſtoms of* Ireland *are diverſe from the Lawes of* England; *That he ſhould do Extreamly ill to the Honour of the* Engliſh *Nation, and to the memory of divers of their Lordſhips Anceſtors, if he ſhould not ſay and think that* Ireland *is a Conquered Nation.* He inſtanced in the Stat. 11 *Eliz.* where at the Attainder of *Shan Oneal* the famous Rebel, it is ſaid that all the Clergy were aſſembled in *Armagh* at the time of the Conqueſt; That King *Henry* the Second is in the Statute called the firſt Conqueror of *Ireland*; *That all Hiſtories acknowledg it. That he ſpoke the Words to magnifie the King's Grace and Goodneſs, and that there was then no offence taken at them. For the other words, That the King might do with them what he pleaſed, let them relate to the Conqueſt, and there is no Offence in them.* As to the words ſpoken to the Recorder of *Dublin*, he did with the greateſt aſſevetarion utterly deny the ſpeaking of them. Mr. *Slingsby* his Secretary averred the ſame, and that the firſt words were ſo well taken, that he was thereupon invited to the Mayor's Houſe at a publique Entertainment.

To their Charters being void, he ſaid, *it was Evident they were ſo in point of Law, as he was informed by the King's Council, for their Non-performance of the Truſt repoſed in them,* appealing to my Lord of *Cork that the reaſon of it was, that moſt of the Aldermen were Recuſants, and would Plead their Charters againſt the Orders of the Board, by which means many great diſorders were continued.*

Lord *Dillon.*

The Managers Urged, *That this juſtified a part of the Charge, that Charters were judged by the Board*; whereas the Council-Table hath no ſuch Power; The Earl replyed, *It was not to judg their validity, but whether ill Uſage and Extortion were not practiſed under colour of them, and that they were complained of as grievances in Parliament,* which the Lord *Dillon* averred to be true. To which the Earl added, *That he did it in favour of the Proteſtants, who were by theſe Charters depreſſed by the Ro-*

man-Catholicks, and that he looked upon this which was objected as a Crime, as a ſervice to the Proteſtant Religion. He ſaid, *it would perhaps be well known hereafter when he was in his Grave, that his great fault was his great zeal to bring them to conform to the Church of* England. That notwithſtanding this they ſtill enjoy their Charters: and for his ſaying *Ireland was a conquered Nation, it was upon the Occaſion of preſſing them to ſupply the Crown; for that if the Kingdom of* England *ſhould ſtill be put to the Charge, and the whole Expence reſt on the Conqueror, you might very well think you are ſo dealt with as never any other Conquered Nation had been*; adding, *There were Copies of his Speech that would juſtifie what he ſaid*, and that *the Speech was in* Ireland. That my Lord *Ormond told him it was ill reſented,* To which he anſwered, *Truly my Lord you are a conquer'd Nation, but you ſee how I ſpeak it and no otherwiſe,* The Lord *Dillon* averred, *that he ſtood under the Cloth of State, but did not hear the words, That they ſhould expect Laws as from a Conqueror.* The Lord *Ranulagh* remembred the firſt words but not their laſt. Sir *George Wentworth* ſaid, *That he brought the Speech to the King, and in that there was no ſuch word.*

Lord *Ranulagh.* Sir *George Wentworth.*

The Managers then Urged, *That though this was not in that Speech yet ſome thing was then ſpoken though in a milder ſence, but it was ſpoken after upon Occaſion of a Petition delivered by the Commons, after they had given the King the Subſidies, concerning their Laws.*

Fitzgarret.

To this Mr. *Fitzgarret* depoſed, *That there was ſuch a Petition, and that there was an anſwer given either at the Board or in full Parliament from the Houſe of Lords, but he does not remember any part of it*; but afterwards the Earl affirming it was at the Board and not in Parliament, he ſaid, *he conceived there were two Petitions, one to the Council, another to the Parliament, about redreſs of Grievances, but remembers not the Anſwer.* But the Lord *Gorminſtone* ſpoke poſitively then, *That it was in Parliament upon the Occaſion of that Petition,* wherein as my Lord *Strafford* obſerved, he contradicted himſelf, having before fixed it on the Speech in the beginning of the Parliament, upon Petition of the Commons deſiring the benefit of ſome Graces his Majeſty had been pleaſed to confer on them. The Lord *Killmallock* depoſed it was in Parliament, 3 or 4 dayes after the delivery of that Petition.

Lord *Gorminſton.* Lord *Killmallock.*

Then the Statute of 28 *H.* 6. King *James's* Inſtructions 1622, and a Proclamation upon them were read, dated *November* 1. 1625. whereby it was Ordered, *That no private Cauſes ſhould come before the Board, but be referred to their proper Courts.*

Then the 4*th* Article was read, being concerning the Lord of *Cork's* being diſſeized of an Impropriation, and ſaying, *That an Act of State ſhould be as binding as an Act of Parliament.* The Lord *Ranulagh* depoſed, *That the Caſes of the Church and Plantations were in the times of former Deputies, Reſolved at the Board, and that he never knew any other Titles determined there:* But the further Diſquiſition was put off till the next day.

Lord *Ranulagh.*

Upon *Friday* the Earl of *Cork* was Examined, and depoſed, *That the Lord Deputy preſented one* Arthur Gwyn *formerly Groom to the ſaid Earl of* Cork, *to a Rectory of which he had been poſſeſſed as Tenant to the Crown* 35 *Years; that taking out Writs to arreſt* Gwyn *the Earl bad him recal them, or he would clap him in the Caſtle, and that he would not have his Orders diſputed by Law nor Lawyers; that he deſired* Gwyn *being Poor he*

Friday Mar. 26. Earl of *Cork.*

1641.

might give ſecurity, which the Earl ſaid was juſt, and that it ſhould be ſo entred in his Order; but that Sir Paul Davis *told him that my Lord* Strafford *found fault with it, and ſtruck it out with his own hand; that making a Leaſe to an Incumbent contrary to an Act of State, that no Leaſe ſhould be longer then the Incumbent's Life, and being proſecuted for it, the Earl told him an Act of State ſhould be as binding as an Act of Parliament.*

John Waldron, *John Kay*, Lord *Killmallock*, Sir *Pierce Crosby*.

John Waldron depoſed the ſame in the Caſe of a Leaſe between the Merchants of *Galloway* and ſome others. *John Kay* depoſed the ſame; the Lord *Killmallock* depoſed the ſame, and that Sir *George Radcliff* (my Lord *Strafford's* Eccho) an occaſion of throwing out a Bill, making it Felony to have Powder without licence, ſaid the ſame. Sir *Pierce Crosby* depoſed the ſame.

The Earl's Defence.

Lord *Dillon*.

Sir *Adam Loftus*.

To this the Earl anſwered, *That the Council Board of Ireland was a Court of Record, that it was ſo in favour of the Engliſh Proteſtants and Clergy.* This he proved by the Lord *Dillon* in the Lord *Chicheſter's* and Lord *Grandiſon's* time, *that the Acts of State were by the Judges reputed as Laws of the Land for the preſent, and proceeded by Arreſt, Impriſonment and Fines upon contempt*; which Sir *Adam Loftus* confirmed. Then the Order which my Lord of *Cork* mentioned was read, atteſted and acknowledged to be Sir *Paul Davis* his hand, where it appeared the Clauſe my Lord *Cork* ſaid was ſtruck out was ſtanding ſtill; only my Lord *Cork* was limited to proſecute within a Year. So what was objected about *Gwyn*, he ſaid *he was unknown to him*, but produced a Certificate from the Univerſity of *Dublin*, *That he was a Maſter of Arts of* 12 *or* 14 *Years ſtanding*; adding, *That my Lord of* Cork *muſt be an Excellent Schollar, under whom his Groom had ſo much profited. For the Words ſpoken to the Earl of* Cork *though he had ſo quick a memory as to ſwear them roundly as laid in the charge to a ſyllable, yet they carry their own Contradiction, the Order produced referring him to the Law; at the higheſt, if the words were ſpoken they are but indiſcreet, and it was ſevere to be puniſhed for being no wiſer than God Almighty had made him, that my Lord is but a ſingle Witneſs, and he is not proſecuted according to* 1 E. 6. cap. 12. *That the other Witneſſes are Extrajudicial, proving words ſpoken in other places and times then he is charged withal, and yet that the words may bear a fair interpretation, for that the King being the Law-giver which he hoped none would deny without the Crime of Treaſon, the King's ſentence is a Law in matters not determined by Act of Parliament; that Prerogative is a part of the Fundamental Law, as well as the Property of the Subject; That he had alwayes wiſhed for an harmony between them, and that they might keep in their wonted Channel, if either of them riſe above their due heights, nothing could be expected but ſubverſion of the Common-wealth either by Tyranny or Rebellion; That prerogative was like the Firſt, liberty of the ſubject, like the 2d Table, either both or neither can be preſerved, That Prerogative as long as it goes not againſt the Law of the Land, is the Law of the Land, and binding, being made to prevent a temporary miſchief before an Act of Parliament can give Remedy. He excepted againſt the Lord* Killmallock's *ſwearing Sir* George Ratcliff *to be his Eccho, it being impoſſible to ſwear his thoughts. Againſt Mr.* Hoy *and Sir* Pierce Crosby *as perſons concerned againſt him, in point of Intereſt, and to Mr.* Waldron's, *That the circumſtance qualifies the Words, it being according to a Statute directing that Leaſes ſhould not be made without reſerving the Moiety of the yearly value.*

After which the Manager replyed, That this Article proved the Earl of *Strafford's intention to ſubvert the Government, that whereas he ſaies they are not proſecuted in time, the Effects continue to this day, and they proſecute him* Flagrante Crimine, *that threatning the Earl of* Cork, *was Arbitrary Government, that he hath made it a habit to ſpeake ſuch words, as appears by the ſeveral times, that he himſelf had confeſſed the words, that when things are rejected in Parliament, they are not to be ſupplied by an Act of State.* Then they deſired to Examin another witneſs, which the Earl excepting againſt, as not regular, the Lords adjourned to their Houſe to conſider of it, and returning he was admitted, and depoſed concerning the Bill for Powder without Licence, to Felony, the Earl told them, *He would make it an Act of State, and that ſhould be as Good.* To which the Earl replied, *It was done by Command, and for reaſons of State, not fit to be made publick, to keep Powder out of unſafe hands, but did not conduce to his acquittal or Condemnation.*

Roger Lotts Witneſs.

Saturday,
March 27.
The 6th day.
Artic. 5.

Upon *Saturday March* 27. they proceeded *to the Sentencing the Lord* Mountnorris *at a Council of War, thereby Exerciſing a Tyrannical Power over a Peer of the Realm of Ireland* &c.

Firſt the Sentence was read reciting the King's Letter, which commanded a Council of War to ſit upon the Lord *Mountnorris* being a Captain, for inciting Revenge againſt the Lord Deputy-General of his Majeſties Army.

Lord *Mount-norris* Witneſs.

The Lord *Mountnorris depoſed,* That he was called to a Council of War, charged to have ſpoken words to this purpoſe, That being told a Kinſman of his had hurt the Lord-Deputies Foot having the Gout, he ſhould ſay, *Perhaps it was done in Revenge of that publick affront that my Lord Deputy did me formerly, but I have a Brother that would not have taken ſuch a Revenge, that he was required inſtantly to confeſs, or deny the Charge, that he deſired time to anſwer, but was denied, as alſo to produce witneſſes, to diſprove the Lord* Moor *and Sir* Robert Loftus, *who upon Oath had affirmed it, that thereupon in half an Hour Sentence was Pronounced againſt him by Sir* Charles Coot *Provoſt Marſhal. That the Lord-Deputy in ſcorn told him, That he might proceed to Execution, but he would Supplicate his Majeſtie for his Life, and rather loſe his Hand then he ſhould loſe his Head; that he was committed to Priſon, December the* 12th *and bailed out the* 18th, *the Phyſitians making Oath he was in danger of his life, the High oppreſſion and Injuſtice having thrown him into a deſperate ſickneſs, committed again* Apr. *the* 11th, *let out* May *the* 2d *by reaſon of Sickneſs; recommitted the* 30th *of* January *following becauſe he had not ſued out his Pardon, and there continued till* March 1637.

Lord *Dillon.*
Lord *Ranulagh.*
Earl of *Cork.*

The Lord *Dillon* depoſed much to the ſame effect, only he ſaid my Lord gave no Vote in the Sentence. The Lord *Ranulagh* alſo depoſed to the ſame effect, and that, *during the Debate the Lord-Deputy ſpake not a word, or gave them interruption.* The Earl of *Cork* depoſed, *That when the Sentence was read in the Star-Chamber, my Lord-Deputy ſaid he would not loſe his ſhare in the honour of it*; Lord *Dillon* teſtified the ſame, and that my Lord ſaid *it was a Noble and Juſt Sentence.*

Will. Caſtigat.

Then the Managers proceeded to the proving his Execution of Martial-Law upon another perſon, and *William Caſtigatt* depoſed, *That one* Thomas Denewit *was hanged upon the bough of a Tree, as was ſaid, for a quarter of Beef, but knows not whether by a Jury, and he takes it my Lord*

Strafford *was preſent.* Lord *Dillon* teſtified the ſame, and that it was for ſtealing Beef, and running from his Colours. The Earl *Ranulagh* depoſed the ſame, *and that the Lord* Conway *offered Reaſons why he ſhould not die for the Fact; his running away being occaſioned by his Lieutenant's bidding him, deſiring to be diſcharged, go and be hanged, which he did, leaving his Musket with the Corporal.* The Lord *Conway* ſaid *he remembred ſome ſuch thing, but imperfectly.*

The Earl of *Strafford's* Defence.

The Earl anſwered, *That the Lord Deputies have ever Exerciſed Martial Law upon the March of the Armies as well in time of Peace as War.*

Lord *Wilmot.*

Lord *Dillon.*

Sir *Robert Farrer.*

That the Lord Mountnorris *was condemned for Breach of two of thoſe Articles, wherein he was not Judge,* he produced the Lord *Willmot*, who affirmed, *That he himſelf being General, the Lords* Faulkland, Grandiſon *and* Chicheſter *uſed it; That in 3 or 4 Parliaments it was never complained of; That to govern an Army without it is impoſſible, occaſions riſe on a ſuddain in an Army, and for Example ſake muſt be ſuddainly redreſſed; That there were Provoſt Martials in every Province.* From whence the Earl inferred, he had done nothing *de Novo.* The Lord *Dillon* affirmed, *That Martial Law had been practiſed, and men hanged by it in times of Peace; as to* Mountnorris *his Sentence, he offered a Letter to Secretary* Cook, *to ſhow that he was a Suitor to the King for him, but it was not permitted to be read.* Sir *Robert Farrer* teſtified, that my Lord *Strafford* ſaid, *he would give no Judgment concerning the Lord* Mountnorris, *and that he ſate bare in token that he was no Judge; That he deſired the Court not to look upon him, but go to the Cauſe.* Sir *George Wentworth* averred the ſame, *and that my Lord would not permit him to give his Vote in regard he was his Kinſman; That what was done was by the Council of War, and that before they met he did not acquaint them with the buſineſs; That his deſign was only to diſcipline the Lord* Mountnorris, *and teach him to govern his Speech with more modeſty. To* Denwitt *he confeſſed and juſtified it from neceſſity, the Army being then upon march to* Carliſle, *and if not puniſhed, it would have been of dangerous Example, that the Facts were proved, That he had before been burnt in the hand, that the Law juſtifies him in it,* producing ſeveral Statutes of *Ireland* 20 *H.* 6. c 19. 7 *H.* 7. c 1. 10 *H.* 7. which make running from the Colours Felony, and are in force in *Ireland:*

The Managers Urged, *That the Statutes were againſt him, for that Felony is to be Tryed at Common-Law, and ſo intended by thoſe Statutes. Then the Earl of* Ely *was ſworn,* who depoſed, *That Martial Law was in uſe in the Kingdom of* Ireland, *and was two-fold, Summary and Plenary; the firſt for Rebels and Kerns that kept the Wood; the other in the time of War, in the Field, which ended when the Army was diſſolved; that the uſe of it was rare in regard of the damage to the King, the party condemned loſing only life, not Goods and Eſtate.* To my Lord's ſaying *the Nobility loſt their blood in the Conqueſt of* Irelaud; They ſaid, *This way their own blood may be ſpent in the Peace of* Ireland *aud of* England *too.*

Monday, March 29.
7th Day,
Article 6.
Lord *Mount-Norris.*
Mr. *Anſlow.*

Upon *Monday* they proceed to the 6*th* Article of putting the Lord *Mountnorris* out of Poſſeſſion of 200 *l. per annum*, upon a paper Petition of one *Rolſtone.* The Decree was read, and Lord *Mountnorris* depoſed, *That he was put out by my Lord's Warrant Auguſt* 29. 1637. Mr. *Anſlow* depoſed the ſame.

The Earls Defence.

To this the Earl Anſwered, That his greateſt grief was, that the Arrow *came out of the Quiver of the Houſe of Commons, that in his grey hairs he ſhould be miſunderſtood by the Companions of his Youth; if the Decree were juſt, he hoped it would go far in the Caſe; Juſtice knowing no priviledge of Peers above common perſons; that it was warranted by the Statute of* H. 6. *which ſaves the King's Prerogative, as alſo by his Commiſſion, which authorized him to proceed* ſecundùm conſuetudinem terræ, *which was read: That it was agreeable to the practiſe of former Deputies who Exerciſed it in the nature of a Court of Requeſts.*

Robert Dillon.

Lord Dillon.]

This he proved by *Robert Dillon*, in the Lords *Cork*, *Ely*, *Faulkland*, *Grandiſon* and *Chicheſter*'s, times of Government, *by Orders he had ſeen under their hands*; The Lord *Dillon* confirming it; *and that he had ſeen ſeveral Petitions under the Lord-Deputies hands alone: That he never knew my Lord* Strafford *meddle with matters of Law; with Equity he hath, which the Earl confeſſed.* He further ſhewed the neceſſity of the procedure by Petitions, the *Iriſh* being Poor, the perſon that came againſt the Lord *Mountnorris* was in *forma pauperis*; he produced ſeveral Warrants and Orders of former Deputies to that purpoſe, one from the Lord of *Cork*, and particularly in the Lord *Mountnorris* his Caſe, as appeared by the Decree read, it was for the relief of a poor man whom my Lord *Mountnorris* had oppreſſed and violently poſſeſt himſelf of Lands to the value of 200 *l. per annum*; that the Lord *Mountnorris* was kept in priſon for contempt at the King's Suit in Star-Chamber, and not for refuſing to ſue out his Pardon, which he proved by Mr. *Slingsby*, and Sir *Adam Loftus*, and had he not had ſo ſhort warning ſaid he could produce the Orders of the Caſtle Chamber to make it Evident; which the Lord *Dillon* alſo teſtified, concluding, *That having authority from the King, following the Rules and Practice of former Governors, relieving the Poor, who cannot follow a legal Proceſs, not intrenching upon the other Courts, he hoped could never riſe up in Judgment againſt him as Treaſon either in it ſelf or by application.*

Manager replies.

To this Mr. Glyn *Replied, That he would not acknowledg a cumulative Treaſon, but muſt have Treaſon over Shoes over Boots; that being charged with Exorbitances deſtructive of Law, he takes ſhelter under the King's Prerogative, which was to caſt a Scandal upon it before all that Aſſembly; That his Letters Patents riſe up in Judgment againſt him for betraying that Truſt the King had repoſed in him* ad Cuſtodiendum leges Regni, *the Orders he produces come not up to the point, that a Deputy alone hath determined Matters of Poſſeſſion.*

Then Witneſſes were Examined as to former Deputies, the Earl of *Cork*, Lord *Ranulagh*, Sir *Adam Loftus*, Lord *Mountnorris*, and Earl of *Bath*, who all depoſed, *they knew no Deputy determine in matters of Land in Equity or other wiſe, but ſome times in Matters of Debt for relief of poor men.* To *Henry Dillon*'s Teſtimony they replied, *He had been ſentenced at the Council Board for ſpeaking untruths*, and produced his acknowledgment teſtified by Sir *Adam Loftus* and Lord *Dillon*; *That in the Lord* Mountnorris's *Caſe he would not grant his Pardon though directed by the King's Letter, till he acknowledged his Sentence to be juſt.* To this Mr. *Anſlow* depoſed the King's Reference, *That his Majeſtie is pleaſed, that upon ſuch ſubmiſſion as the Lord Deputy ſhall approve of, he ſhall have his Liberty to come into* England, *the Lord Deputy to take Notice hereof, and Order therein accordingly; That the Lady* Mountnorris *preſenting her Petition accordingly upon her knees, was rejected by the Lord Deputy.*

1641.

Then an Order was produced and depoſed, by *William Brettergh*, *That the Earl of* Strafford *ordered the Poſſeſſion in a Suit, inter* Robert Parkhurſt *and the Lord* Baltinglaſs, *and others, againſt the ſaid Lord.*

The Earl's Defence.

To this, being new matter, the Earl replied, *That* Parkhurſt *had a Clear Title to the Eſtate by Fine and Recovery and diverſe Conveyances; That the Lord* Baltinglaſs *deſired him to ſee if he could procure him a further Summ of Money from* Parkhurſt, *and that it was Ordered with their Conſent for the Juriſdiction; if he had the Lord* Faulkland's *Books of Entries, he could make it appear, that he had alone granted Warrants for attachment againſt Body and Goods, for Diſtreſſes, to Sherriffs for Poſſeſſion of Lands and Injunctions to Judges at Aſſizes.* To the deportment of the Lady *Mountnorris*, a Witneſs affirmed, That the Earl told her when ſhe delivered it on her knees, *That ſhe had done him ſo great an injury, that to have broke his head would have pleaſed him better.* My Lord *Dillon* affirmed *that he deſired her to riſe, and handed her to her Coach, but received not the Petition, acquainting her, that he was going abroad.*

Mr. *Strode.*

The Manager ſaid, *The greateſt Tyranny was the Earl of* Strafford's *keeping him in Priſon till he ſhould confeſs the Sentence juſt, which in his heart he abhorred and held unjuſt.*

My Lord then deſired their Lordſhips to conſider his diſability, and how little time was allotted him, for every days defence; upon which the Court was adjourned.

Tuesday, *March* 30. Artic. 8.

The *7th* Article was for the preſent paſſed by, and part of the 8*th*, they inſiſting only upon the latter part of it about the Lady *Hibbots* Land, of which he had diſpoſſeſſed her, and purchaſed it to his own uſe in the name of Sir *Robert Meredith.*

John Hoy.

To this *John Hoy* was offered as a Witneſs, but the Earl objected againſt him as ſwearing for himſelf, he having Inheritance in the Lands. Notwithſtanding he was admitted and depoſed, *That the Lady* Hibbots *contracted with* Thomas Hibbots *for the Reverſion of certain Lands for* 1600 *l. but Sir* Robert Meredith *offering the ſaid* Thomas Hibbots 2250 l. *he flew off from his Contract; but afterwards for* 2500 *he perfected the Bargain, and paſſed all the Eſtate that was in himſelf; but having a Son, the Ladies Councel informed her, a Recovery was neceſſary; which* Hibbots *would not ſtay to perfect, upon which* Hoy *ſerved him with a* Subpœna; *That immediately the ſaid* Thomas *procured a Petition to the* Lord-Deputy; *to which the Lady and* Hoy *had time to anſwer till* Thurſday; *but upon a miſtake in the Anſwer, my Lord called for the Conſtable of the Caſtle, and commanded a Warrant for the Commitment, of the Council, who fell on his knees and obtained forgiveneſs; that deſiring* Hibbots *might be Examined upon Oath, and they would be bound by it, and his Lordſhip granted a Warrant for it, and he was almoſt Examined when my Lord-Deputy came to the Board and ſaid, Here is a buſineſs proſecuted with violence by my Lady* Hibbots, *and an Order procured for the Examination of the Plaintiff, but he would have it damned; That after a Decree was made for Reaſſurance, and the Eſtate was purchaſed for the Lord-Deputy in Sir* Robert Meridith's *name, that he paid* 7000 l. *to the ſaid Sir* Robert, *who told him he took it with one hand, and carried it to the Caſtle with the other.*

Tho. Hibbots.

Thomas Hibbots was Examined, who depoſed much to the ſame Effect.

The Lord *Mountnorris* and the Earl of *Cork* depoſed, *That there were more Votes at the Board for the Lady* Hibbots, *then againſt her.*

The Earl's Defence.

To this the Earl anſwered, *That the Major part was for the Decree, appears, becauſe there was the Order ſigned by the Clerk of the Council a ſworn Officer, who could not draw it up without the plurality of Voices, being againſt the practice of the Board.* To prove which, he produced the Examination of the Lord Primate, who declared that to be the Practice, and *that he hath not known the Earl to preſs any Member of the Board contrary to his Opinion*; *That he hath heard him profeſs he had but a ſingle Voice*; Which the Lord *Dillon* alſo confirmed, and from the conſtant Practice ſayes, *he believes it was a Vote of the Major part; nor remembers my Lord urged any Member to Vote, and that in a Caſe of the Lord* Ranulagh, *he would not have the caſting Vote, but referred it to an abſent Counſellor, who voting againſt the Lord Deputy the Order was drawn up ſo.* Sir *Philip Manwaring* ſaid in effect the ſame. *For the threatning to Impriſon the Lady, it is Cuſtomary here in* Chancery *to thoſe who will not perform Orders, and without it there will be no Obedience.* To *Hoy*'s Depoſition, *He is intereſted and expects a Benefit. Mr.* Hybbot *a weak Old man ſayes backward and forward, but there being a Complaint before the Lords, he referred himſelf to the time he muſt anſwer it; and as for Sir* Robert Meredith *and Sir* Philip Pierceval'*s ſaying they were not intereſted in the Purchaſe,* Hoy *and* Fitzgarret *ſpeak only by hearſay; but when Sir* Philip Pierceval *is Examined, it would be found otherwiſe, he having never ſpoken to him in all his life about that buſineſs.*

The Managers concluded, *That notwithſtanding what my Lord had ſaid, they had proved his Exerciſing Arbitrary Power over the Eſtates of his Majeſties Subjects; and though my Lord's Pulſe is ſtill beating, that this is no Treaſon, yet it is an Article to prove the General Charge of Subverting the Laws.*

Artic. 9.

They next proceeded to the Ninth Article, concerning *his giving Commiſſion to the Biſhop of* Down *and* Connor, *for attaching all ſuch perſons as contemned the Eccleſiaſtical Ordinances, and preſent them to the Council-Board.*

Mr. *Glyn* urged it as a thing would fully prove the Charge. The Warrant was read as followeth.

By the Lord Deputy.

The Warrant to the Biſhop of *Down* and *Connor.*

Foraſmuch as We have been informed by the Right Reverend Father in God the Lord Biſhop of *Downe* and *Conner*, that the moſt frequent Offences againſt God, and the greateſt Contempts againſt the Eccleſiaſtical Juriſdiction, are Committed by the meaner and poorer ſort of People in that Dioceſs; whoſe faults, for the moſt part, eſcape unpuniſhed, by reaſon the Writ *de Excommunicato Capiendo*, is ſo long before it can be ſued forth, and executed on them, that they remove to other parts, and cannot be found; or if they be taken, their Poverty is ſuch, that they cannot ſatisfie the Sheriff, and other Officers Fees, due for taking them on that Writ; whereby the Officers become negligent, and backward of doing their Duties. We therefore deſiring the ſuppreſſion of Sin, and Reformation of Manners, have thought fit to ſtrengthen the Eccleſiaſtical Authority of the ſaid Right Reverend Father in God, the Lord Biſhop of *Downe* and *Conner*, with our Secular Power, and do therefore hereby give Power and Authority to the ſaid Lord Biſhop, his Chancellor or

Chancellors,

1641.

Chancellors, by their ſeveral Officers by them to be appointed, to Arreſt and Attach the Bodies of all ſuch of the meaner and poorer ſort, that after Citation, ſhall refuſe to appear before them, or appearing, ſhall omit or deny to perform and undergo all Lawful Decrees, Sentences and Orders, iſſued, impoſed, and given out againſt them, and them ſo Arreſted to Commmit, and keep in the next Goal, till they ſhall perform ſuch Sentences, or put in ſufficient Bond, to ſhew ſome reaſons before the Council-Table of ſuch their Contempts, *&c.* willing all Juſtices of the Peace, *&c.* in that Dioceſs, to be Aiding, *&c.* as they, *&c.* Given, *&c.* *Febr.* 16. 1636.

Tho. Little.

This Mr. *Glyn* ſaid *was a great Invaſion upon the Liberty of the Subject.*

Sir *James Montgomery.*

Sir *James Mountgomery* depoſed, *That the Warrant was Executed with great Cruelty,* 20, 30 *Names in a Warrant, the Officers beating, wounding and impriſoning them.*

The Earl's Defence.

The Earl anſwered, *Firſt this was the Vſual Practice, but not ſatisfied with it, he had refuſed it, and this was the only Warrant, and that hearing it complained of, he recalled it.* To this the Examination of the Lord Primate 7. Interrog. agreed, the B. of *Meath* having ſuch a Warrant for either the Lord *Grandiſon* or *Chicheſter.* Mr. *Little* alſo atteſted, *That this Warrant was drawn after an Original Warrant of the Lord* Falkland's; *that it was the onely Warrant my Lord granted.* The Lord *Dillon* alſo confirmed the Practice. He further requeſted their Lordſhips *to conſider the impoſſibility of having Witneſſes in the* Iriſh *Affairs upon ſo ſhort warning as* Friday *was Seven-night; That following Preſidents, if they miſlead him, he hopes it is no Treaſon to miſtake the Law; otherwiſe there would be more Actions of Treaſon than Treſpaſs in* Weſtminſter-Hall.

Mr. *Glyn* rejoyned, *That my Lord Confeſſes what he did to be above Law; that though this be but a ſingle Act, yet compared with other Exorbitant proceedings, it is a ſtrong Evidence to prove his Subverting of the Laws.*

Wedneſday,
March 31.
Artic. 10.

Upon *Wedneſday* the Commons proceeded to the Tenth Article of the Charge, *That he had not only Exerciſed a Tyrannical and Arbitrary Government over the Lives, Liberties and Eſtates of the Subjects, but had abuſed the Crown, by applying to his private Vſe the Publique Revenue to the great diſadvantage of His Majeſty.* Mr. *Maynard* ſtated the Caſe.

King James *Leaſed the Cuſtoms at* 6000 l. per annum, *and half the clear Profits above the Rent, and* 1400 l. *to the L.* Carliſle *for Cuſtoms of Wines, the half clear Profits amounted to* 3700 l. per annum; *in the* 7th *of* Car. *a ſecond Leaſe was made to the Dutcheſs of* Bucks, *for* 11050 l. *ſo at view there is* 1350 l. *advance; but then the E. of* Carliſle's *Leaſe of* 1400 l. *was taken in, and the ſurpluſage of the Wine-Cuſtoms being* communibus annis 3000 l. per annum, *ſo that out of the* 11050 l. per annum, *there is an abatement of* 4500 l. per annum, *inſtead of an advance of* 1350 l. per annum, *beſides that in the Earl's Leaſe the Cuſtoms of* London-Derry, Colerane, Knockfergus *and* Strangford, *reſerved in the Duke's Leaſe are defalked, valued at* 1500 l. per annum, *and all Forfeitures, as alſo an allowance of Cuſtom for Prize Goods, and in the Grant a Clauſe, That this Grant ſhall hold whether it be Repealed by Act of Parliament or not. That* *the Book of Rates was increaſed; ſo that whereas the Cuſtoms were valued at* 12000 l. per annum, *they were advanced to* 40 *or* 60000 l. per annum.

Lord *Ranulagh*.

All the Leaſes being read, the Witneſſes were depoſed; The Lord *Ranulagh* ſaid, *That being a Partner in the Lord* Faulkland*'s time, the ſurpluſage above the* 6000 l. *was* 3700 l.

Sir *James Hay*.

Sir *James Hay* depoſed the ſurpluſage above the 1400 l. of the Earl of *Carliſle*'s Rent was 2387 *l.* 15 *s.* 9 *d.*

Robert Goodwin.

Henry Brand.

Robert Goodwin depoſed, *That the Cuſtoms of* London-Derry, *&c. amounted from the Year* 1634, *to* 1639, *to* 1079 l. 6 *s.* 1 d. *and of* London-Derry *in the ſame time,* viz. 5 *Years, to* 5348 l. 11 s. 10 d. *Henry Brand* depoſed the ſame.

John Welſh.

To the increaſe of Cuſtoms *John Welſh* depoſed, *That out of the* Exchequer *Book he took theſe Accounts,*

In the Year 1636 they came to 39936 l.
37——————38889
38——————57380
39——————55582

The Lord *Ranulagh* depoſed much to the ſame effect. *Welſh* further depoſed the price of Hides 50 *l. per* Laſt, being 3 *s.* 4 *s.* ſome 5 *s.* few above. Wooll 3 *s.* 4. *s.* 5 *s.* 8 *s.* 9 *s.* that the higheſt. From whence Mr. *Maynard* obſerved a Hide of 5 *s.* rated at 2 *s*; Wooll at 9 *s.* rated at 13 *s.* 4. *d.* in the Book of Rates, and to pay Cuſtom accordingly.

Patrick Allen.

Patrick Allen depoſed rates of Hides 4 *s.* 4 *s.* 6 *d.* 5 *s.* and 6 *s.* Wooll 4 *s.* 6 *s.* 7 *s.* 8 *s.* the higheſt 11 *s.*

The Earl's Defence.

The Earl deſired the Article might be read, *and then it would appear how pertinently the time was ſpent in proving it*; which he read, and added with ſubmiſſion, *There was nothing in it that by any Law could be brought to Treaſon, and that he was to anſwer to, and nothing elſe. That what the King loſt by the Duke of* Bucks, *affects not him; That the Book of Rates was raiſed in the* 7th *of* Car. *which was before his Leaſe, and was done by the King's Officers; what he is charged with is* 9 Car. *whereas the Book of Rates was made in the Lord* Portland*'s time. Whether the Rates were reaſonable or not, was not to be charged to him as a Crime, much leſs a Treaſon. That* Tonnage *and* Poundage *is the King's Inheritance in* Ireland, *by* 15 H. 4. *That nothing is taken but by that Book. And if the Merchants were to ſet the Rates, the Cuſtoms would be little. That he came not in to the Farm upon his own Suit, but was commanded to do the King Service; and if it prove a bargain of advantage, he never knew the making a good bargain turned upon a man as Treaſon.*

To this the Lord *Cottington* Examined, affirmed, *That the Earl was brought in as Partner with Sir* Arthur Ingram *and others by the Lord Treaſurer* Portland.

Sir Arthur Ingram affirmed to the ſame Effect, *That a Letter was writ from the King, who was informed the Rates were too low, and a new Book of Rates ſent over, and that though he had then a* $\frac{1}{4}$ *part of the Farm, yet he propoſed it to the Council Board, and by the Whole Board the ſaid Book was diſadviſed*; which the Lord *Dillon* affirmed to be true.

Managers reply.

Mr. *Maynard* replyed, *That though this or that was not Treaſon, yet the whole tended to ſubvert the Liberties & properties of the Subjects, & the Fundamental*

1641. *Laws, and that was Treaſon. That it was a hard Caſe for the Subjects of* Ireland *to have a Governour take a Bargain which all others refuſed, who muſt in Appeals of Oppreſſion be both Judge and Party; As for the Letter, it was the Opinion of the Board, and to be attributed to them, and it is to be wondred he ſubmitted to it, and did not rather take them down. That it appears, if Depoſitions be true, that he and his Partners have gained* 300000l. *and that here is not only an inhauncement of Rates on the Subject by way of Extortion, but this is ſoaked out of the King's Purſe.*

Artic. 12.

The Committee for the preſent waved the Eleventh Article, and proceeded to the Twelfth, concerning *his Monopolizing Tobacco, whereby he made* 100000 l. *profit to himſelf, impoſing Sealing upon Tobacco, and puniſhing the Refuſers by Fines, Pillory, Priſon and Whipping.*

To prove the Reſtraint and Sealing, two Proclamations were read, which were as followeth.

By the *Lord-Deputy* and *Council.*

A Proclamation *concerning the Importing of* TOBACCO.

By which *Proclamation,* is ſet forth in Subſtance as followeth.

2 Proclamations concerning Tobacco by the Earl of *Strafford.*

T*Hat whereas unſound* Tobacco *is brought in,*&c. *by the Unlimited Liberty of divers to Import,*&c. *and being no Uſual Commodity,*&c. *a ſtrict Charge is given, That none preſume from the Firſt of* May *next, to Import any* Tobacco *without Special Licence from Us, on pain of incurring His Majeſtie's high Diſpleaſure, and the Puniſhments due for ſuch Contempts.*

The *Proclamation* concerning Sealing of *Tobacco* was next Read, the 23d. of *Feb.* 13 *Car.*

By the *Deputy* and *Council.*

Wherein,

THe former *Proclamation* is Recited: *And, to prevent Secret Wayes of Importation, a Charge is given from the laſt of* May *next, no* Tobacco *be put to Whole-ſale, unleſs it be in compleat Rolls, which may be conveniently Seal'd, and to be Sold with two Seals, one to be affixed at each end, which Seal, order is taken to be provided for that purpoſe. That what* Tobacco *ſhall be found without thoſe Seals, the King's Officers may ſearch for, and ſeize, and convey to the next Port, which Courſe ſhall be taken, that every Seizor ſhall have* 6d. *for every Pound, as an Encouragement; and, that the Officers ſhall commit the Perſons of ſuch in whoſe hands ſuch* Tobacco *ſhall be found, till Security ſhall be given to appear before the Deputy and Council, and not to depart without Leave,*&c.

Witneſſes, *Tim. Crosby.*

To prove the Reſtraint, *Timothy Crosby* depoſed, *That ſeveral Ships were prohibited to land Tobacco; That the* John *of* Kingſale *being not ſuffered to unlade at* Lymerick *becauſe not of the Magazine, was caſt away going to another Port; That before the Reſtraint Tobacco was at* 6 d. 7 d. *other times* 14 d. 16 d. *the Pound on Shipboard, and ſince ſome at*

9d.

1641.

Patrick Allen.

9 d. *ſome* 6 d. *that the Ships were not ſuffered to land unleſs they paid* 2 s. *the pound,* 18 d. *Cuſtom,* 6 d. *Impoſt.*

Patrick Allen depoſed, *That a Ship not ſuffered to land at* Youghall, *was forced to go to* St. Maloes *in* France, *that before the Proclamation he bought* Tobacco *at* 6 *d. and* 7 *d. a pound; ſince they pay* 2 s. 2 s. 4 d. 2 s. 8 d. 3 s. *That the Patentees pay the Merchant* 6 d. *or* 7 d. *a pound.*

John welſh.

John Welſh depoſed to the ſame Effect, and that *Ireland* conſumes 500 Tun of Tobacco *per annum,* which at 2 *s.* 6 *d. per* pound, 140000 l. *As to* Sentencing, *he ſaw* Patrick Wells, *Merchant, and* Richard Whitwick *ſtand on the Pillory for ſelling unſealed* Tobacco, *and had heard of more; That he thinks the Book of Cenſures made in the* Caſtle-Chamber, *was ſent into* England; which *Patrick Gough* ſaid the ſame, but the Book was not offered in Evidence; *but he hath heard of divers Sentenced,* 60 *at a time committed for unſealed Tobacco;* 3 *of* Waterford, *one ſentenced to Fine* 100 l. *and loſe his Place of Waiter; the other* 100 l. *and the Merchant* 100, *but reduced to* 20 l. *a piece; That they were Fined at the Board, and he thinks my Lord* Strafford *was preſent.*

Patrick Gough.

Then the Sixth Article of the *Remonſtrance* was read, to prove *that the value is more than all the King's Revenue certain and uncertain in* Ireland.

The Earl's Defence.

After ſome little reſpite the Earl made his Defence, *That he hopes he hath little to anſwer for as Treaſon, and wiſheth he had ſo much Profit to anſwer for as is pretended.* Then he produced a Petition of the Commons Houſe, atteſted for a true Copy by Mr. *Gybſon,* wherein they *deſired this Leaſe of the Impoſt of* Tobacco *might be taken in and compounded for, and converted to the King's benefit; ſo that it was on their own Petition ſettled as a Revenue of the Crown.* Which was atteſted by Mr. *Slingsby* a Member of that Houſe. Then he ſhewed the Grant of 13 *Jac.* where the Impoſt of Tobacco was let at 10 *l. per annum,* at 18 *d. per pound* Impoſt to *William Maſſam* and *John Pitt* for 7. Years. Then he offered a Leaſe 8. *Feb.* 19 *Jac.* to Mr. *Lyne* for 21 Years at 20 *l, per annum, which was admitted.* Next the King's Letter 18 *July,* 12 *Car. for ſettling the buſineſs, which was his warrant; for the* Proclamation *requiring him, with the Advice of the Council, to ſettle the preemption by what Limitations and Conditions he ſhould think fit, and to direct a Courſe for the Licenſing the Sale thereof, to the beſt improvement; yet ſo as to take care to prevent the bringing in Unſound Tobacco.* Then he offered the Contract of *Carpenter, Bartholomew, Peatly* and others *for* 11 *Years at* 5000 l. *the firſt* 5 *Years,* and 10000 l. *the Six laſt, freed from Cuſtom, and paying only* 3 d. *Impoſt. In which he did nothing but with the aſſiſtance of the Council there; That there was an Act of Parliament in agitation to ſettle it in the Crown; That he always judged a Proclamation Lawful till a Parliament confirms it. As to the Puniſhments, they were for Perjury, and* in terrorem; *and where it is objected,* That it is not ſold at Reaſonable Rates, *the Contractors are to Juſtifie themſelves, and he doubts not but they can. That to the vaſt profit of* 100000 l. *it is admirable, for at his coming away the Contractors were* 6000 l. *out of purſe; and for his gains by the Cuſtoms he dealt freely, they were about* 4, 5 *or* 6000 l. per annum *better then the Rent, which he thinks is not conſiderable in the Charge of Treaſon. He told their Lordſhips that he could not give a particular account, the Miniſters had been ſo dealt withal, laid in priſon and abuſed, if you will ſpeak of a Tyrannical and Arbitrary way of Government;* At which Expreſſion exceptions were taken, but he explained it of *Ireland,* not of things here; for which he produced two

1641.

Orders for the ſeizure of his Goods, concluding, it was at worſt but a Monopoly, and that he never heard was judged Treaſon.

Managers Reply.

To which Mr. *Maynard* replied, *That this was no good ſervice to His Majeſty, that when the Commons ſhall deſire ſomething may be done, therefore any thing may be done; and that it was never their Intention to put ſuch Cruelties upon the Subject; that his Majeſties Letter was upon miſinformation, that if it had been ſo, a Monopoly ſet up in* England *could not juſtifie the ſetting up one in* Ireland; *that his Crime was the greater by endeavouring to juſtifie it under a name ſo Sacred as his Majeſtie's; That though a Proclamation hath a Temporary Power, yet not to take away the Goods of the Subject.*

Article 13. *Thurſday. April* 1.

This Day the 13*th* Article was read, wherein the Earl of *Strafford* was Charged with *putting the Natives of* Ireland *upon working of Flax in a way unknown to them, and ſeizing their Goods upon pretence of their diſobeying his Orders, to his own Uſe, whereby Thouſands were undone.* To prove this, his Proclamations were read, as alſo a Warrant to one *Benjamin Croky* and his Deputy, *to ſeize all Yarn made contrary to Proclamation.*

Witneſſes, *Benjamin Croky.* Sir *John Clotworthy.*

To this *Benjamin Croky* ſworn, depoſed, *That he did ſeize Yarn, and it was taken from him by one* Joſeph Carpenter, *who converted it to my Lord's Looms.*

Sir *John Clotworthy* depoſed, *That he ſaw the Proclamation and Warrant being a Juſtice of Peace, and Examined ſeveral People who were abuſed; which Examinations he ſent to the Lord-Deputy, for which he was ſeverely threatned, and hardly Eſcaped being ſent for by a Serjeant at Arms: that upon theſe Proclamations the Markets were deſerted, and they ſold it privately to avoid ſeizure; thereupon the Officers came to him for aſſiſtance, and threatned the Conſtables, and broke open Cheſts, that he took away the Yarn from them, and reſtored it to the Proprietors; That this made great Diſorders, and many People were ſtarved, loſing all they had provided for their half Years Rent.*

The Lord *Ranulagh* depoſed, *That at* Athlone *Complaints were made to him of one* Dennis *who had ſeized a great quantity of Yarn; that conceiving it an abuſe, he ſent a Gentleman to inform the Lord Deputy, to whoſe Intention he thought this proceeding not agreeable; and that my Lord withdrew the Warrants.*

Then part of the Remonſtrance of the Commons in *Ireland* was read, ſhewing, *That the Purſuivants by ſeizing the Yarn deſtroyed the Market, that the Merchants meeting the People at private Houſes, they way-layd them and took away their Yarn and Cloth, ſeizing on all, not leaving the poor people ſo much as to cover their nakedneſs; That they took away their Iron Pots upon a pretence of another Proclamation, and by this cruelty exceeding* Pharoah, *their poor Children were forced to eat Graſs with the Beaſts, where they lay down and died by Thouſands, as will be proved by* 20 *Thouſand; That the Judges procured the Lord Lieutenant to Recall the aforeſaid Proclamations.*

Mr. *Fitzgarret.*

Mr. *Fitzgarret* depoſed, *That Yarn and Cloth were the ſtaple Commodities of* Ulſter, *that the Proclamation and Execution of it impoveriſhed that whole Province, That the Officers uſed extreme cruelty, and that one* Dr. Cook *told him he thought in his Conſcience many Thouſands were Famiſhed.*

The Earl's Defence.

To this the Earl anſwered, *Here was ſomething like oppreſſion but nothing like Treaſon; That the Intention of theſe Proclamations was the Improvement*

ment of the Manufacture for the good of the Kingdom, and to take away abuſes. That however the Proclamations are not his ſingle acts but of the Deputy and Council; That he conceives they had Power to bring them to the Engliſh Cuſtoms, as in other Caſes of drawing by the Horſe tails, burning the ſtraw to get out the Corn, and ſuch Iriſh *Cuſtoms. That his principal deſign was to prevent the prejudice of the Woollen Manufacture of* England, *the Wool of* Ireland *increaſing; and he thought, to ſet up the Linnen Trade would advance* Ireland, *and not prejudice the clothing Trade of* England. *That he loſt* 3000 l. *by attempting it; that he cannot be accountable for the abuſes of the Officers, of whom* Croky *was the chief, now a Witneſs againſt him, as my Lord* Ranulagh *has informed their Lordſhips. That he cannot conceive ſo many Thouſands ſhould be ſtarved by his Looms, when the whole yearly value came not to above* 16 *or* 1700 l. *He is ſorry for that Remonſtrance of the Commons, thinking he had merited a better opinion from that Kingdom, and having a little fortune there honeſtly got, could not but wiſh well to it; and he hoped when miſinformations were cleared, ſtill to regain their good eſteem; where to the beſt of his Conſcience he had done Juſtice and deſerved well. That Mr.* Fitzgarret *ſpeaks by Report, which is no proof, and the Commons Remonſtrance being but a Charge, and not upon Oath, he conceives cannot be the proof of a Charge,* concluding as he began, *That there might be oppreſſion in the Execution, but nothing of Treaſon in himſelf or the reſt of the Council.*

Managers reply.

Mr. *Maynard* replyed, *That he was ſtill ſtriking the ſame ſtring, no Treaſon, though a high and wilful overthrow of the fundamental Rules of Juſtice in the Kingdom was evident, that a good intention is no excuſe to the taking away mens Goods and applying them to his own Vſe; that the good Company he ſpeaks of, is only to ſay, he is not the only perſon that deſerves puniſhment, and he is the leſs innocent for miſguiding and drawing others into ſuch Actions. That he that Commands is more guilty then he that Executes. He ſayes, it was recalled after two years; this was the Effect of the tumults and this, ſo that it ſeems he could go no further, and ſo he left off. That its likely the Commons Remonſtrance went upon good information, and that all he ſaid did not amount to an Excuſe, having no command as in the Caſe of the Tobacco.*

Mr. *Glyn* added, *That my Lord confeſſing he loſt* 3000 l. *convinces the point he denyes, which was, that it was not to advance Trade but for his own profit, though it proved not ſo; which the Earl Explained, that he made Cloth 6 or 7 years, and the Cloth it ſelf, not the Yarn, was worth* 1700 l. per annum; *for the Yarn was not worth* 400 l. *and in that time he might very well loſe* 3000 l.

Article 15.

The 14 Article was for the preſent laid aſide, and they proceeded to the 15th, *His labouring to ſubvert the Eſtabliſhed Laws, and introduce an Arbitrary and Tyrannical Power*; paſſing by the firſt part, Mr *Palmer* who managed the Evidence, inſiſted upon the 2d part, *of laying Souldiers by Warrant upon Offenders; which warrant was given to one* Savil *a Serjeant at Arms.*

Witneſs, Mr. Savile.

Mr. *Savil* being ſworn produced a Copy of the Warrant; againſt which the Earl excepted, ſaying, *The Original ought to be produced, his Life and Honour depending upon his Trial; and that it were Treaſon,* Savile *Swears to juſtifie himſelf, he being the Perſon that executed this Treaſon.*

Mr. *Maynard* ſaid, *That if in a Letter one command Treaſon, if the Letter be burnt, the Treaſon cannot be proved, if the Original muſt only prove it.* The Lord *Clare* demanded of *Savil, How they came by the Copy*; He anſwered, *He knew not but that one* William Somer, *Secretary to the Lord* Ranulagh *had a Copy of it, to which he ſet his hand, in order to ſave a Soldier who had taken two Pewter-Diſhes, and was like to ſuffer, unleſs he had a Copy of the Warrant; and that this was a true Copy.* Upon which the Houſe of Lords adjourned, and at their return, adjudged *it ſhould not be read in regard it was not atteſted.* So they proceeded to prove the effects of the Warrant. To which *Savil* Depoſed, *That by virtue of this Warrant Soldiers were laid upon delinquents, who diſobey orders, abſcond, or are reſcued from the Purſevants; That the Soldiers go with Arms, and have Meat and Drink from the Partie they lie on. That he had laid Soldiers upon one* Francis Ditton, *one* Conolly *and* Luke Borne, *who could not be brought in by any other means.* That *his warrant was general, the Soldiers foot, the number left to his diſcretion, that my Lord never ſpake to him about complaints made of him; that the Secretaries would demand why he did not put the Warrant in execution, he ſaid they were poor men, but it never came to my Lord's hands that he knows, the greateſt number laid was 5, and an Officer.*

Patrick Gough.

Patrick Gaugh, depoſed *he had ſeen the Warrant Signed* Wentworth *on the top, and a Seal to it; that the Execution was a conſtant Courſe for contempt, that the Soldiers were inſolent, that lying upon one* Bern, *they took other mens Cattel, Burnt part of his Houſe, ſold his Corn to buy Beer, but there was no ſuch liberty given by the Warrant.*

Rich. Welſh.

Richard Welſh depoſed to the ſame effect, of Soldiers laid upon one *Francis Dillon.*

Patrick Clear.

Patrick Clear depoſed, *That Soldiers were laid upon one* Agnes White *being* 80 *years Old; but upon affidavit of diſſability to appear, after a Month taken off.*

Nich. Ardagh.

Nicholas Ardagh depoſed to the ſame effect, for debt upon a Paper-Petition.

Edmond Bern.

Edmond Bern confirmed *the Inſolence of the Soldiers, that he was forced to flie into* Holland, *and loſt* 500 l. *by this means.*

Rob. Kenedy.

Robert Kennedy depoſed the ſame as to *Bern, but that my Lord was gone to* England, *that he did not ſee the Warrant, but wondred at the Courſe, it having never been done ſo before the Lord* Strafford's *time.*

Robert Little.

Mr. *Little atteſted for the Earl that He never made any Warrant to* Pigot *or to* Savil, *nor entred them in his Book, or ever ſaw ſuch Warrant or Entrie.*

Lord Ranulagh.

The Lord *Ranulagh* depoſed, *That he had heard ſomething of it upon complaint of one* Davis, *that by combination of the Serjeant and his Adverſary, he had Soldiers laid upon him, which he told the ſaid Lord* Ranulagh, *was by a Warrant Dormant from the Lord-Deputy* Wansford. *That formerly it had been uſed to lay Soldiers on the relievers of Rebels, and for non-payment of Contribution-money, but not in a Civil way between Party and Party, and upon the Earl's motion, he confeſſed that as a Captain he levied the Rent due to the Exchequer, for his Pay by his Soldiers, as had been Cuſtomary. That in King* Jame's *time* 1628. *the Gentlemen of* Ireland *got leave of the King, that for non-payment of Rents or Contribution, Soldiers might lie upon the defaulters.*

Mr. *Palmer* concluded, *That this was an Act of Hoſtility by* 25 Ed. 3. *levying War againſt our Sovereign Lord the King within His Realm; and by* *by the* 18 *H.* 6. cap. 3. *made at* Dublin, *in which are theſe words,* An Act &c. *It is agreed and Eſtabliſhed, That no Lord or any other of what condition ſoever he be, ſhall bring or lead from henceforth Hoblers, Kern, or Hooded-men, neither* Engliſh *Rebels, nor* Iriſh *Enemies, nor any other People, nor Horſe to lye on Horſeback, or Foot to lye on the King's People; but on their own coſt, without conſent. And if any do ſo, he ſhall be adjudged as a Traitor.*

The Earl's Defence.

After a little time to peruſe his Notes, the Earl made his Defence. *He deſired their Lordſhips to remember his Witneſſes were to come out of* Ireland, *That his time had been ſo ſhort, that he could have none but ſuch as came accidentally. That the Cuſtoms of* Ireland *differ from thoſe of* England; *that it had been the Ordinary practice of the Deputy and Council, before his time to aſſeſs Soldiers not only on the party, but his kndred without levying War. That theſe were ordinary Fellows*; and to ſhew what was meant by Rebels in *Ireland* the Lord *Dillon* Examined, atteſted, *That ſuch as having committed Felony or ſome unjuſtifiable Act, and withdraw into the Woods, if upon Proclamation they come not in, are reputed Rebels and Traitors.*

Lord Dillon.

Sir *Arthur Tyrringham* averred, *That the practice was ſuch in the Lord* Faulkland's *time, and that ſuch as come not in upon Proclamation, are reputed Rebels.*

John Conley.

John Conley atteſted, That in the Lords *Faulkland, Grandiſon* and *Chicheſter's* times, the King's Rents were collected by Horſe-men, who laid upon them till they were paid.

Henry Dillon.

Henry Dillon affirmed, That in my Lord of *Cork's*, and Lord of *Ely's* time he had Warrants from them and the Council to gather money by laying Soldiers till it was paid.

Tyrringham.

Sir *Arthur Tyrringham* averred, That by Warrant from the Lord *Faulkland* he had laid Soldiers upon a Debtor, till the Debt was paid but does not know whether it was the King's Debt.

Lord Ranulagh.

Lord *Ranulagh* atteſted, that it was the practice of the Lord of *Cork* and *Ely* to give Acquittances out of the Exchequer to Captains, who if the money was not paid, aſſeſſed Soldiers on the defaulters.

Then the Earl offered to prove, *That it was the deſire of the Gentry themſelves it might be ſo in the Lord* Faulkland's *time*; but it was by Mr. *Palmer* agreed him; from whence my Lord inferred, *That it diſabled the firſt part of the Killing Charge, That he ſhould Traiterouſly and wickedly deviſe to ſubdue the Subjects of that Realm by levying Money on them.*

The Earl then deſired the 2*d* Article of the Lord *Faulkland's* Inſtructions might be read, which was in *hæc verba*.

For the Collecting of our Rents in caſes of default, that, 1. *a ſummoning Proceſs ſhall Iſſue.* 2. *The Purſivant ſent.* 3. *If this be not ſufficient (in caſe the ſame be not levyed) then our Vice-Treaſurer by Warrant of our Deputy and Council ſhall appoint a competent number of Soldiers of the next Garriſon, to be aiding to collect the Rents at the Charge of the Parties complained of; having care that no man be burdened with a greater number of Soldiers than the Service ſhall neceſſarily require.*

At Mr. *Palmer's* deſire the firſt Article was read, *viz, At the humble Requeſt of Our Subjects, We are graciouſly pleaſed to direct for the better preſervation and eaſe of Our Subjects, the Soldiers ſhall be called in &c.* and

1641.

from what had been proved the Earl inferred, *That it could not be High-Treaſon for the King's Service, to follow the King's direction, and the conſtant practiſe of his Predeceſſors; that he brought not the Cuſtom in, but found it there; and that by Proclamation under the hands of the whole Council it was done for the Eaſe of the Countrey.*

Savil.

To the Teſtimony of *Berne* and *Kenedy* of the abuſe of the Soldiers 1. *he was not then in* Ireland, 2. *he denies he ever gave* Pigot *ſuch a Warrant and there is no proof of it. That* Pigot's *threatning* Clear *with a Warrant is no argument, men often threaten moſt when they have leaſt to ſhew.* Kennedy *ſayes, he never ſaw the Warrant,* Savil's *Warrant is not produced, that this great and mighty War on the King and his Subjects, is one of the pooreſt Wars in Chriſtendome; for laſt Summer one ſayes, he knew Soldiers laid on one man, that it was never complained of all the time he was in* Ireland; *that the Warrant was to procure obedience to all the King's Courts, and to ſecure the King's Right.* He deſired *Savil* might be demanded, *whether the Warrant granted him was not agreeable to former Precedents? who affirmed his Predeceſſor told him he had received ſuch a Warrant from the Lord* Faulkland *to ſeſs Soldiers on the Land of Sir* Thomas Fitzgerrard.

Dillon.

Henry Dillon atteſted, *that the Serjeant at Arms was an Officer as well to the Exchequer as Chancery, and the laſt proceſs is Attachment by the Serjeant as well between man and man, as for the King.*

Here Mr. *Palmer* ſpeaking ſomething which my Lord looked upon as an Interruption: *he deſired no haſty words might be miſinterpreted, he ſpeaking for his Life, and Family, and that the Gentlemen would do well not to put him out of his way, but let him ſpeak thoſe few poor things he can for himſelf.*

He then added, *that ſome wayes he is more qualified then an ordinary Perſon, having the Honour to be his Majeſtie's Deputy; that by his Commiſſion he was to govern according to the Cuſtoms of the Realm, and this was Cuſtomary by all the former Governours;* that had it been *Levying War, there is a Statute* 10 H. 6. c 17. *Enacting, That there ſhall be no War, or Peace in the Land, without the Deputie's Licence; but all War or Peace to be made by the Lieutenant for the time being.*

And as to the Stat. 18 *H. 6.* c. 3. *That no Lord or other ſhall charge the King's Subjects,*&c. 1. *He hath heard it ſaid that the King cannot be concluded in any Statute unleſs he be particularly named, and conſequently not his Chief Governour.* 2. *He ſhall not lead or bring; He hath done neither, the Serjeant did it though under his Warrant.* 3. *It ſpeaks of bringing* Engliſh *Rebels, or* Iriſh *Enemies,*&c. *But ſuch are not the King's Soldiers ſent to apprehend refractory Perſons, and for the King's Honour and Service.* 4. *Practice is the beſt interpreter of Laws, and notwithſtanding this Statute, the Governours have alwayes aſſeſſed Soldiers. That it would be a hard Caſe, that ſuch an Old Law ſhould be ſtarted contrary to Practice, to deſtroy him and his Poſterity, but he believes he ſhall prove that Statute Repealed; Firſt, By the* 8 Ed. 4. *c.* 1. *which Enacts,* That from the Sixth of *March* then next, all Acts made within the Kingdom of *England*, ſhall be in force in *Ireland* from the ſaid time. *This therefore ratifies the Statute of* 25 Ed. 3. *which is the Statute of Treaſon, and the Statute of* 1 H. 4. *which ſayes nothing ſhall be Treaſon but what is within the Statute of* 25 *of* Ed. 3. *which repeals the* 18 *of* H. 6. *Secondly, By the* 10 H. 7. c. 29. *whereby all the Statutes made in* England *before that time are made Laws in* Ireland, *and all Laws contrary to theſe Laws are repealed,* *but the Law urged is againſt* 25 Ed. 3. & 1 H. 4. *and conſequently repealed.*

Next he produced a Statute of 11 *Eliz. c.* 7. *for taking away Captains Ships, and that none of the Great Men ſhall make War or Peace,*&c. *Seſs nor lead the People, without the Great Seal or Warrant from the Lord Deputy; ſo that here is a power in the Deputy to aſſeſs, &c. without being a Traytor.*

That to the Clauſe of 25 Ed. 3. *if any man levy War againſt the King in his Realm, or adhere to his Enemies,*&c. *he appeals to their Lordſhips as in their own Caſe, whether 2 or 3 poor Soldiers ſent to bring an Offender liable to the King's Juſtice, can by any conſtruction be levying War againſt the King and his People; or rather for the Honour and Authority and Juſtice of the King, and not adhering to his Enemies; but this point of Law he deſired to refer to his Council to urge for him with more advantage than he could himſelf being out of his profeſſion.*

Managers reply.

To this Mr. *Palmer* replyed, *That there can be no Cuſtom or legal uſage, contrary to an Act of Parliament, that thoſe uſages were by conſent, but this of my Lord's againſt it; thoſe for the King's Debts and by conſent, theſe not ſo; that the Proclamation his Lordſhip mentions was an Offence in it ſelf, and Treaſon is no juſtification of Treaſon, that for* Bern's *Caſe if my Lord was in* England *yet if done by his Warrant it was the ſame thing. To the Plea of the Deputies Power, a Deputy in caſe of Rebellion may make a Defenſive War, but this was in a time of Peace, and on the King's People under his Laws and Protection; his Plea, that becauſe the King unleſs named is not concluded in any Statute, is to apply Soveraignty to himſelf, and that a Subject ſhould not be comprehended more than the King himſelf; as to the Repeal of* 18 H.6. *the introducing of our Laws was not to Repeal theirs, but to make a Conſiſtance of both Laws ſo far as they both may ſtand together, but this being matter of Law, he leaves to thoſe who are to give ſatisfaction to their Lordſhips hereafter. That the Statute* 11 Eliz. *does not at all juſtifie the Earl, that being made for Defence againſt Rebels, not as the Charge was for things done in full Peace. That the 2 Clauſes of* 25 E. 3. *are to be conſidered ſeparately, for a man may levy War and not adhere to the King's Enemies.* And ſo he concluded that they had proved the Charge.

Upon the Earl's Motion, not without ſome difficulty, a day was granted for his refreſhment; and indeed it was no more then reaſonable after ſuch Expence of ſpirits in making and ſpeaking his Defence, againſt ſo many reputed the ableſt men in *England*.

Saturday, *April* 3. *Artic.* 16.

Upon *Saturday* the 16*th* Article was read, concerning his procuring from the King an Order, *That no complaints ſhould be received in* England, *unleſs Addreſs were firſt made to the Deputy.* Mr. *Palmer* managed the Charge, and firſt the Propoſitions concerning the Government of *Ireland* offered to his Majeſty were read, and the Order upon them, *That no particular complaint of Juſtice or Oppreſſion be admitted here againſt any unleſs it appear the party firſt made his Addreſs to the Deputy.* Then a Proclamation importing, *That all the Nobility undertakers and others that hold Eſtates and Offices in* Ireland, *ſuch only excepted as are imployed in his Majeſties ſervice in* England, *ſhould perſonally reſide in* Ireland, *and not to depart to* England *or any other place without Licence from the Lord Deputy, any former Letter to the contrary notwithſtanding* &c. *ſo that all complaints were prevented, and reſtrained from coming over into* England.

Witneſs *Richard Wade.*

To this *Richard Wade* depoſed on Oath, *That my Lord* Eſmond *ſent him* Auguſt 1638. *to Petition for Licence to go over to make an end of the Cauſe, wherein my Lord* Strafford *was Plaintiff, but was denyed; that the Lord* Eſmond *procured the King's Letter, but could not yet get Licence.*

Lorky. L. *Roche.*

Lorky depoſed the ſame: The Lord *Roche* depoſed, *That he was denied Licence, intending to come over to juſtifie himſelf againſt an Information in the Star-Chamber.*

James Naſh.

James Naſh depoſed, That in the Caſe of *Mac-Carty, my Lord after obtaining two diſmiſſions of the Suit, Decreed for Sir* James Craig 5496 l. againſt *Mac-Carty, and on this Decree an Order to diſpoſſeſs him of all his Fathers Eſtate; That* Mac Carty *Petitioned for Licence to come into* England, *but was denied both by the Lord Deputy and Sir* Chriſtopher Wainsford.

Henry Parry.

Henry Parry depoſed, *That his Lord and Maſter the Lord Chancellor* Ely *being committed to the Caſtle of* Dublin, *the Earl ſent for him, and commanded him to attend the Judges to be Examined about ſome Papers ſeized; that he attended 6. dayes, but his Lord having occaſion to make uſe of his Friends intereſt, ſent him over into* England *to Sollicit His Majeſty for Relief, that here he was attached by Mr. Secretary* Cook's *Warrant; that he entred into Bond before he could be diſcharged of the Meſſenger to return into* Ireland; *That after his Return, he was Fined* 500 l. *and ordered to acknowledg his Offence at the Board; and that he was impriſoned and utterly ruined; that his Fine was reduced to* 250 l. *that he paid* 184 l.

Sir *Robert Smith.*

Fitz-Garret.

Sir *Robert Smith* depoſed, *That having a Command from the Houſe of Commons in* Ireland *to come over hither, he was denyed Licence, and a Reſtraint was laid upon Shipping upon that account.* Mr. *Fitzgarret* depoſed to the ſame Effect.

Then the *Iriſh* Remonſtrance was read, importing the Fears they had of the Proclamation, prohibiting their coming to *England* to obtain Redreſs of their Grievances from His Majeſty.

The Earl's Defence.

After ſome Recollection, the Earl made his Defence, *That he might very juſtifiably ſay, that he had never in his life any thoughts or intentions before his going into* Ireland, *or during his abode there, but Juſtly and Faithfully to ſerve His Majeſty and the Kingdom; That as to the Order obtained from His Majeſty, the Reaſon annexed,* which was read, *would juſtifie it, importing, That it was not only a Juſtice to the Deputy, but to the Government it ſelf, to prevent Clamors and unjuſt Complaints, and that they might be redreſſed nearer home, and no way to hinder any man's juſt complaint. That for the Proclamation, that it was warranted by the Laws of* Ireland, 25 H. 6. cap. 9. 26 H. 6. c. 2. *whereby Subjects are reſtrained from going out of the Land upon forfeiture of their Eſtates, without Licence from the King or his Deputy; That by an Article preferred by the* Iriſh *Agents* 1628. *His Majeſty was Petitioned to order the Reſidence of Undertakers, at leaſt half the Year; upon which His Majeſty anſwered in theſe words.*

ALL the Nobility, Undertakers and others, who hold Eſtates and Offices within that Kingdom, are to make their perſonal Reſidence there, and not to leave it without Licence, ſuch perſons Excepted only as are imployed in Our Service in England, *or attend here by Our Command.*

Purſuant to which my Lord *Faulkland*'s Inſtruction were in that particular *verbatim* the ſame, being read. Then he produced his Majeſtie's

Letter commanding the Proclamation *Jan.* 20. 1634. which was read, and was in theſe words.

C. R.

To the Lord Deputy of *Ireland.*

His Majeſties Letter to the Lord Deputy *Jan.* 20. 1634.

WHEREAS amongſt other things in the Graces vouchſafed to Our Subjects, 1628. We ſignified Our Pleaſure, That the Nobility, Undertakers, and Others, holding Eſtates in Ireland, *ſhould be reſident there, and not to depart without Licence: And being now given to underſtand, That notwithſtanding thoſe Directions, divers perſons (not of the meaner ſort) take liberty to paſs into this Kingdom, or Foreign Parts, as if they underſtood not what they owed to Us in their Duty, or themſelves in their evil Carriage, which preſumption we may not long ſuffer,* &c. *We do therefore hereby Will and Require you, by Act of State, or Proclamation, to make known Our Pleaſure, That all Nobility, Undertakers, and others, that hold Eſtates and Offices, (ſuch perſons only excepted, as be imployed here,* &c.) *do hereafter make their perſonal Reſidence, and not depart for* England, *or other place, without privity of Our Deputy, any former Letters to the contrary notwithſtanding.*

And becauſe We reſolve to have this courſe conſtantly obſerved, (if you ſhall have notice of any Contemner of this Command) Our Will and Pleaſure is, That you proceed againſt them in an exemplary way to deterr others; And for ſo doing, this ſhall be your Warrant.

From whence he inferred, *That this being required by the Law of the Land, by the Requeſt of the* Iriſh, *according to the Lord* Faulkland's *former Inſtructions, and juſtified by the King's Letter, he truſted it would not appear to their Lordſhips ſo great a Crime as at firſt it might ſeem. That the Council concurred to the* Proclamation, *that there was great reaſon of State for it, in regard* O Neal *and* Tir Connel *having Regiments of the moſt ancient* Iriſh *Septs in the Service of the King of* Spain, *if every one might withdraw at pleaſure, without giving an account, it would open all the Power and Means to diſtemper that State, and he feared it would produce ſad Events in that Kingdom.*

And here I cannot but admire the Prophetick Wiſdom of this Great Man and States man, ſo ſoon juſtified by the Event, when upon this Liberty procured by the *Engliſh* Parliament, in ſo few months after his Death, that Horrid Rebellion and Maſſacre broke out, which produced the moſt deplorable Events in the World.

But to proceed, he ſhewed further, *That this Reſtraint was to prevent the going over of the Nobility and Gentry to be Educated at* Doway *and* St. Omers, *and was for the Intereſt of the Proteſtant Religion.*

As to my Lord of Eſmond *which appeared to be ſo foul a buſineſs, he was ſtayed as being Major General of the Army, and could not be ſpared; but he was miſtaken if ſhortly after he did not give him Licence*; and whereas my Lord of *Eſmond* was ſaid to have no Commiſſion to Examine Witneſſes, ſome Evidence accidentally appearing, his Lordſhip took notice of God's Providence and Goodneſs to aſſiſt him; and for this purpoſe Mr. *Riley*

1641.

was Examined, who Depoſed, *That my Lord of* Eſmond *and Sir* Pierce Crosby *had a Commiſſion to Examine Witneſſes in the Caſe between them and the Earl of* Strafford. Mr. *Ralton* atteſted the ſame.

He further added, *That the Lord* Eſmond *was ſtayed on a Complaint of Sir* Walſingham Cook*'s, concerning a Practice againſt Sir* Walſingham*'s Life. For the Lord* Roche, *he was informed againſt in the* Star-Chamber, *which he was willing to forget for that Gentleman's Honor, the Complaint being of that Nature, that he was not willing to preſs it.*

As to Mac Carty, *the Decree was made by a Letter from His Majeſty, on a notable fraud of the Father in the Caſe of Sir* James Craig; *and the Reſtraining Young* Mac Carty, *was to prevent his going to* Doway *or* St. Omers; *and that he that ſwears it, is Solicitor in the Caſe, and unfit for a Witneſs.*

As to Mr. *Parry*, the Reaſon appeared in the Sentence, which atteſted by Mr. *Gibſon*, was Read as followeth.

The Sentence againſt Mr. *Parry*.

W*Hereas* Henry Parry, *one of them who attended the Lord Chancellor, as his Lordſhip's Regiſter-keeper, or Clerk for private Judicatures, and Keeper of the Books of theſe Private Proceedings, was Commanded to attend the Board to be Examined; And whereas in Contempt thereof, he not onely neglected to attend accordingly, but departed this Kingdom, which being repreſented to His Majeſty, it pleaſed His Majeſty to require his return hither to attend this Board; To which end a Bond was taken for his Appearance here the next Council-day, after the 12th of* Aug. *And whereas he was preſent himſelf at this Board 9th of* October, 1638, *but offered no Petition; as if he diſdained ſo far to humble himſelf to this Authority; whereupon it being made known to him, That it became him, in the Duty he owed to the Dignity of this Board, to come by* Petition, *as all other Men: but he forbearing to exhibit his* Petition, *till he was called by us the Deputie to do it; and then when he exhibited it, he therein miſrecited his Offence; alleadging it to be for his repairing to* England *without Licence; whereas his Offence was, The diſobeying the Orders of this Board.* Secondly, *He laid a Tax on* William Ralton *Eſq; Alleadging, That on pretence of Direction from Secretary* Cooke, *he took his Bond for Appearance here, whereas he knew it was not by any feigned direction, but by appointment of Secretary* Cooke, *by His Majeſtie's Direction.* Thirdly, *Inſtead of humbling himſelf, he deſired Cancelling of his Bond, and Diſmiſſion from attendance; and the rather, becauſe he conceived he had not in any degree tranſgreſſed the* Proclamation; *cauteouſly alledging that to be his Offence, which was not laid to his Charge. And foraſmuch as his firſt Offence in Eſloyning himſelf to ſhun the guilt whereof he was convinced; and after his bold and inſolent behaviour at this Board (in anſwering plainly, That he conceived the Command of the Lord Chancellor ought to free him from the Command of this Board) deſerves ſuch proceedings againſt him, as may be both Puniſhment to him, and Example to others: It is therefore Ordered, That he ſtand Fined in* 500 l. *Bound to his Good Behaviour; ſtand Committed to the Caſtle during the Deputy's Pleaſure; and make Acknowledgment of his Offence at this Board. And, the Form of his Submiſſion is ſet down,* I Acknowledge I preſented a Preſumptuous and Untrue Petition, *&c. Given* 30 October, 1638.

The *Names* of thoſe that Subſcribed it were alſo Read.

The

Lord *Dillon*.

The Lord *Dillon* was Examined about the Lord *Eſmond*, affirmed, *That it was ſuggeſted that he had ſet ſome perſons on to cut off Sir* Walſingham Cook, *which was confirmed by Sir* Adam Loftus, *and that the Witneſſes not concurring, my Lord* Eſmond *was diſmiſſed.* To which the Earl added, *That as ſoon as he was clear, he had liberty to go into* England. And for the Fees for Licences, Mr. *Slingsby* and Mr. *Little* atteſted, *That they had* 20 s. *of Privy Councellors and Officers of the Army; of others* 5 s, *but it was voluntary, and many times none at all was paid.* He concluded, *That he hoped nothing hitherto ſhall convince him of Treaſon before their Lordſhips, to whoſe Judgment he did with all humility ſubmit.*

Mr. *Palmer's reply.*

To this Mr. *Palmer* replyed, *That his Lordſhip had uſed a great deal of Wit and Art to colour his Actions, and to induce the King to an allowance of them; but his Acts of Injuſtice ſhew* quo obtentu *this Propoſition was gotten; that as it prevented Clamorous Complaints, ſo it terrified thoſe which were real, leſt they ſhould be puniſhed as clamorous; That the* 25 H. 6. *though it gave leave to ſeize their Lands that departed without Licence, yet reſtrained not their perſons; That as to the Petition for Reſidence of Vndertakers, there was a great difference between Reſidence and Reſtraint to complain to his Majeſty; that if the Laws of* England *and* Ireland, *as his Lordſhip ſayes, be the ſame, the Paſſage is open by* 4 Jacob. *which Repeals* 5 Rich. 2. *unleſs the King by Proclamation or a* Ne Exeat Regno *on ſpecial Cauſes lay a reſtraint. That to the Lord* Eſmond's *Commiſſion if there was one; that Record ought to be produced. That for the Lord* Roche, *there was an Information, but that was ceaſed before the denial of the Licence; That the true reaſon why* Mac-Carty *was denied licence, was, that he ſhould not complain of his Suit, which he ſaid Mr.* Little *confeſſed upon taking his Petition, as was depoſed upon Oath by one* John Meaugh; *And as to* Parry's *Sentence, it declares ſomething ſaid to be the Cauſe, but not the whole.*

John Meaugh.

To his laſt, that this is not Treaſon, though they are not individual Treaſons, yet they are the multiplication of acts of Arbitrary Power; and his obtaining power to hinder Subjects acceſs to his Majeſty, is taking ſuch a Soveraign Power, that Non ſentit parem nec ſuperiorem.

Mr. *Maynard* added, *That they laid the ſtreſs upon this, that it was to prevent Complaints of his injuſtice to his Majeſty, and that his intention might make that ill which in it ſelf was not ſo.*

To which Mr. *Glyn* ſupplyed, *That his Deſign was introducing a Tyrannical Government, and before he goes about his work he puts off all means of Redreſs.*

Artic. 19.

The 17*th* and 18*th* Articles being for the preſent waved, Mr. *Whitlock* proceeded to the 19*th* Article, ſhewing, *That as he had Exerciſed Tyrannical Power over the Lives, Liberties and Eſtates of the* Iriſh; *ſo over the Conſciences of the* Scottiſh *Subjects in* Ireland; *by a new Oath, and that he ſaid he would root out the* Scottiſh *Nation if he returned to* Ireland.

Sir James *Montgomery.*

To prove this, Sir *James Montgomery* was ſworn, who depoſed, *That the Lord-Deputy ſent for moſt of the principal of the* Scottiſh *Nation to* Dublin *by Letters, and being come, the Lord Viſcount* Montgomery *being indiſpoſed with a Cold, the Lord came to his Lodgings where they were to attend him, he communicated to them the diſorders of* Scotland, *and wiſhed them to do ſomething to vindicate themſelves from being of the Confederacy; that then the Biſhops of* Down *and* Raſſo, *propoſed the joyning*

in

1641.

in a lawful Oath, as the others had in an unlawfull, and to Petition the Lord-Deputy for it, the Biſhop of Down *offered to draw it, but my Lord put it upon the Biſhop of* Raffo; *that he took the Liberty to tell his Lordſhip it was amiſs to conſider of it; To which he replyed, Sir* James, you may go home and Petition or not Petition, if you will; but if you do not, *or who do not, or to that purpoſe, ſhall do worſe. That* 2 *Petitions were drawn, one down right railing, the other bitter enough; and when it was deſired to be ſoftned anſwer was made the Lord-Deputy had ſeen it, and did approve it; that with little alteration the Petition was Signed and Delivered, an Oath was framed which my Lord himſelf adminiſtred to them; that Commiſſions came down immediately to adminiſter it to all men and women above* 16 *years of Age, and certifie the names of refuſers; that many fled out of the Countrey, ſome abſconded, others were apprehended, and he thinks cenſured, ſome left their Corn on the Ground; but being asked about the Papiſts, he did not hear that the Oath was tendred to them, or that they were called.*

Then the Oath was Read, which ſee before in the beginning of theſe Collections.

Maxwell. Sir *John Clotworthy.*

Mr. *Maxwell* ſworn depoſed to the ſame Effect. Then Sir *John Clotworthy* ſworn, depoſed, *That upon the impoſing it, being a Commiſſioner, he knew multitudes fled, left their Corn on the Ground, Cattle and Dwellings.*

Rich. Salmon a School-maſter.

Richard Salmon depoſed, *That at the Proceedings againſt Mr.* Stuart *he being willing to take the firſt part of the Oath as to Allegiance and Supremacy, but the later part as to Eccleſiaſtical Duties he durſt not, my Lord told him* they had other Oaths for that; but this was for both; and thoſe who were obedient to Eccleſiaſtical Orders, *he would lay his hand under their Feet to do them good; but whoſoever would reſiſt, he would proſecute to the blood;* That my Lord ſaid further, *They had made him forget himſelf by putting him into ſome paſſion; That they were Traitors and Rebels, and that if his Majeſty would Honour him ſo much as to ſend him back again, he would eradicate Root and Branch of all that Nation out of the Kingdom of* Ireland, *ſaving the Lords and others that had taken the Oath. That Mr.* Steward *was Fined* 5000, *his Wife* 5000, *his* 2 *Daughters* 3000 l. *a piece, and* James Gray 3000, *as he remembers. That* Gray *was not worth* 100 l. *Mr.* Stuart *maintaining him in Priſon.*

John Loftus.

John Loftus ſworn, depoſed to the Fines and the words about the *Scottiſh* Nation.

Mr. *Whitlock* Summed up the Evidence, concluding, *This was to take a Power far above Law, to bind their Conſciences, that it ſhewed my Lord's Intention to alter Laws with all his Force and Cruelty.*

The Earl's Defence.

The Earl then made his Defence, *That their Lordſhips and particularly the Lord* Steward *who was General of the Army againſt the* Scots, *knew the poſture of the King's affairs, their fears of the* Scots *in* Ireland, *and their Confederacy with the Covenanters, one being condemned and Executed for Plotting to deliver* Knockfergus *to a Great man in* Scotland. *To prevent this, there was a debate of Council-Board, which was atteſted by the Lord* Dillon, *and that the whole proceeding about the Oath was concluded on as neceſſary for the preſervation of the State.*

Lord *Dillon.*

Sir *Philip Manwarin.* Sir *Adam Loftus.*

Sir *Philip Manwaring* and Sir *Adam Loftus* affirmed the ſame, *and that none of the Gentlemen who took the Oath appeared refractory.* My Lord added, *They did it chearfully, ſave only Sir* James Montgomery, *which*

which he remembers to their Honour, that there being an Expreſſion in the Petition *Offering their Lives and Fortunes for vindicating the Regal Power, which he ſaid might be turned too ſtrictly upon them*, he qualified it with theſe words, *In equal manner and meaſure with other his Majeſtie's Subjects, which as my Lord* Montgomery *will, he is aſſured, juſtifie were put in by him.*

The Petition and the Act of State were then read, being to this Effect.

The Act of State and Petition about the Oath in Ireland.

By the Lord-Deputy and Council.

WENTWORTH.

Where We have lately made an Act of Council in theſe words.

WHereas divers Lords Spiritual and Temporal, Knights, and others inhabiting in this Kingdom, have lately exhibited a Petition to Us, in theſe words following.

To the Right Honourable, the Lord Deputy and Council, &c.

The Humble Petition of, &c.

The Petition recites,

The horror apprehended by the Petitioners, His Majeſties Subjects of the *Scotiſh* Nation inhabiting in *Ireland*, for the Covenant ſworn by ſome of their Countrey-men in *Scotland*, without His Majeſties Authority and Conſent.

Their diſlike thereof, and the conſideration, that their cauſes of that action may be underſtood, to reflect on the Petitioners, though innocent.

They crave leave to vindicate themſelves from ſo great a Contagion, and deſire his Lordſhip to preſcribe a way by Oath or otherwiſe, to free themſelves from theſe proceedings, to declare their acknowledgment of the King's Regal Power, and their diſlike of that Covenant, and of all other Covenants entred into, *&c.* without His Majeſties Regal Authority, which they are deſirous to manifeſt by offering their Lives and Fortunes, to vindicate the Honor, *&c.* of their Sovereign, which they are ready to do in equal manner and meaſure, with other His Majeſties Subjects, *&c.* and divers names were to the ſaid Petition ſubſcribed.

In conſideration of which Petition, we cannot but commend the Wiſdom of the Petitioners, which we will not fail humbly to repreſent to His Majeſty; and for that we know many of this Kingdom, have expreſſed good Affection to His Majeſty and His Service, and diſlike thoſe Diſorders: We hold it fit, &c. to free them the better from the Crimes and Scandals which their Countrey-men have gone into, as alſo to free them from all prejudice, and to approve to the King, and to the whole World, their Allegiance to him and his Regal Power, and the diſlike of that unlawful Oath and Covenant: We do therefore Ordain, That all and every Perſon of the *Scotch* Nation, that inhabit, or have Eſtates, or any Houſes, Lands, Tenements, or Hereditaments within *Ireland*, ſhall take the Oath herein expreſſed on the Holy *Evangeliſts*, on pain of His *Majeſties* High Diſpleaſure. The tenor of which Oath follows. *&c.* To ſeveral ſelect perſons, *&c.* Authorizing them to call before them, and adminiſter the Oath to every perſon of the *Scotch* Nation, *&c.* At ſuch time and place, *&c.* And ſuch Inſtructions as ſhall be in that behalf given by the Deputy and Council, *&c.* And to certifie the Names of all that take the Oath, and if any refuſe to certifie their Names, Quality, and Reſidences to the Lord Deputy, *&c.* And there is a Command, That all of the *Scotch* Nation do appear before the ſaid Commiſſioners, at times by them to be appointed, and to take the ſaid Oath before them; and that all perſons may have due notice, we think fit this be publiſhed, Dated *May* 1639.

Slingsby.

To prove the Deſign of betraying *Knockfergus*, Mr. *Slingsby* Examined, atteſted, *That it was Advertized, that when the King was at* Berwick, *one* Trueman *had writ a Letter for betraying the Caſtle there, he was ſent to* Dublin *and Examined; remanded back, Tryed, found Guilty, Condemned and Executed for the Fact.*

My Lord added further, *That at the ſame time there was the like Oath and proceedings in* England; *That what he did was for ſecuring the Peace of* Ireland; *and had it been done by himſelf ſolely as Deputy, he humbly conceives it no Treaſon; but he had the King's Letter of his own handwriting*; which he produced as followeth.

The King's Letter to the Lord-Deputy about the Oath.

WENTWORTH,

C*Onſidering the great number of* Scots *that are in* Ireland, *and the dangerous conſequences may follow, if they ſhould joyn with the Covenanters in* Scotland; *I hold it neceſſary you ſhould uſe your beſt Endeavour, to try them by an Oath, not only to diſclaim their Countreymens Proceedings, but likewiſe, never to joyn with any in Covenant, or otherwiſe againſt Me; To which purpoſe I Command you, to frame and adminiſter ſuch an Oath, to the aboveſaid intent, to my* Scotiſh *Subjects of that Kingdom, that I may know the well from the ill-affected of that Nation; of which fail not, as you love my Service. And ſo I reſt, Tour aſſured Friend,* Ch. R.

Dated 16 *Jan.*
1638.

Whitehall.

That therefore having his Majeſties Warrant, he conceives doth juſtifie him; and that he had rather ſuffer by his Obedience, then diſpute his Majeſtie's Command.

As to the Fining of Stuart &c. *it was the Act of the whole Court of* Caſtle-Chamber, *where he had but one Vote; the greatneſs of the Fine was to ſhew the greatneſs of the Crime,* and that little of it was paid; *that to refuſe the Oath of Allegiance is* Præmunire, *in compariſon of which this was a moderate Fine; That there is nothing of Eccleſiaſtical concern, but temporal Allegiance in the Oath.*

To the words about the Scottiſh *Nation, he abſolutely denied he ever ſpake them or thought them, he owes more Honour to His Majeſtie's Native Countrey, and from his Soul wiſheth it all Proſperity; that he muſt be out of his Witts to call a whole Nation Traytors, knowing many of them to be faithful Loyal Subjects; whatever he ſpake was concerning the Faction in it; as to the multitudes going away, Sir* John Clotworthy *names not one of that multitude; and if they did go, rather then give that Pledg of their Allegiance, who could help it?*

As to the Schoolmaſter's Teſtimony, he is poſitive that my Lord ſpoke the rancorous Words againſt the *Scottiſh* Nation, *Octob.* 10. 1639. but he proved by Mr. *Little*, and Mr. *Ralton*, that he came from *Ireland Sept.* 12. 1639. a month before, and was in *London Sept.* 21. 1639. *and therefore being a ſingle Witneſs, and Evidently ſwearing falſe in the firſt part, he hopes their Lordſhips will credit him accordingly.*

As to the laſt, he having not yet learned his Leſſon perfectly, that *Loftus* makes it another thing, ſwearing the Earl ſaid, *He hoped to root*, &c. *ſuch as would not ſubmit to the Eccleſiaſtical Orders*; whereas there are few of the *Scottiſh* Nation that do not ſubmit.

Sir *Philip Manwaring.*

He then produced Sir *Philip Manwaring*, who atteſted, *That he heard the whole Speech, and that my Lord ſpoke only againſt a Faction of the* Scottiſh *Nation, whom he would endeavour to bring to Obedience; and that he Explained himſelf to ſpeak of thoſe of* Ireland, *not of* Scotland, *whoſe Laws and Cuſtoms he did not underſtand; and that he heard not one word of* Root and Branch, *or* Stock and Branch; *but that he heard Mr.* Wainsford, *Maſter of the* Rolls, *commend my Lord for his Caution, that he had reflected on the* Faction, *not on the* Nation.

Then my Lord concluded, *That he hoped nothing was proved againſt him of Treaſon; for if Obeying Commands in this Caſe be ſo, he confeſſed, being not better informed, if it were to do again, he ſhould be that Traitor over again.*

Managers Reply.

Mr. *Whitlock* preſently laid hold of this, and ſaid, *This juſtifying his Offence againſt Law in that Great Preſence, was a great aggravation of his Crime. That it is well known a new Oath cannot be impoſed without Aſſent in Parliament, it is* Legiſlativa Poteſtas; *That he obtained the King's Letter upon Miſ-information; As to* Steward's *Sentence, his fault is the greater for drawing others to joyn with him in it. That the Oath injoyned in* England, *ſeems to have followed the Precedent of* Ireland; *that though* Salmon *miſtakes the time, he does not miſtake the ſubſtance; and that though my Lord* Strafford's *Witneſſes do not remember the Words about the* Scots, *it is no impeachment of the Witneſſes againſt him. that dc.* Concluding, *That this adminiſtring an Oath, was aſſuming a Power above Regal; for this is not* penes Poteſtatem Miniſtri.

Mr. *Maynard* added, *That though the King injoyned him to adminiſter an Oath, yet not to puniſh the Refuſers.*

***Monday*, *April* 5. Artic. 20, 21, 22, 23, 24.**

Upon *Monday* April 5. the Commons proceeded to the 20, 21, 22, 23, and 24 Articles; but before they began, the Lord High Steward informed them, *That upon my Lord's Petition the Earl of* Northumberland *had been Examined, but being late could not be Croſs Examined by the Commons.*

Mr. *Whitlock* deſired he might be reſerved, and ſome other Witneſſes.

My Lord oppoſed Supplemental Evidence, and deſired he *might Croſs Examine my Lord of* Canterbury.

They anſwered, *My Lord of* Canterbury *was Impeached, but they did not intend to make uſe of his Evidence; and the other Witneſſes were ſuch as were to ſpeak* vivâ voce, inſtancing in Serjeant *Glanvil.*

Mr. *Whitlock* then begun to open the foreſaid Articles in groſs; which the Earl deſired the Lords, might not be; acquainting them *his Memory could not ſerve him to make replyes if they inverted the Method; That any other perſon in his Circumſtances would think as long time as he had been favoured with to recollect and put his Notes in Order, no more than neceſſary, though a far abler man than himſelf.*

Mr. *Glyn* ſaid, *he never knew a Priſoner preſcribe a Method, eſpecially in caſe of High Treaſon.*

My Lord then deſired *he might have time till to morrow for his An-*

ſwer, which being offered with all humility for his Defence, he hoped their Lordſhips might grant without Offence. But he was over-ruled; and they proceeded.

Mr. *Whitlock* proceeded in the Charge, *That he adviſed the King that the* Scots *Demands were a ſufficient ground of War, that they ſtruck at the Root of Monarchy, and were not only matters of Religion: That he ſeized their Ships in* Ireland,*procured the Parliament in* Ireland *to give aſſiſtance and ſupply for a War againſt* Scotland; *That his deſign was the ſame againſt* England; *That Sir* George Ratcliff *told Sir* Robert King, *The King had* 30000 *men and* 400000 l. *in his Purſe, and his Sword by ſide, and if he wants money who will pity him; he may make peace when he will, though that be the worſt of Evils; that if the Parliament did not ſupply him he might uſe his Prerogative, and would be acquitted before God and Man if he took other Courſes to ſupply himſelf; and he would be ready to ſerve him in any other way; that he adviſed the Diſſolving of the Parliament, and ſaid, that they having denied the King Supplies, he might provide for the Kingdom by ſuch wayes as he thought fit, and not ſuffer himſelf to be maſtered by the wilfulneſs or frowardneſs of his People. That having tried all wayes, he was to do all that Power would admit, being abſolved from all Rules of Government, and acquitted before God and Man; that he had an Army in* Ireland *which he might Employ to reduce his Kingdoms.*

Earl of *Traquair*.

For proof, the Earl of *Traquair* depoſed, *That the Earl ſaid, that the Unreaſonable demands of Subjects in Parliament, was a ground for the King to put himſelf into a poſture of War; and that at the Council-Board the Earl with the reſt concluded, That if the Commiſſioners from* Scotland, *to whom the King had given leave to come up to repreſent their demands, did not give good ſatisfaction touching them, the Council would be aſſiſtant to his Majeſty to put him into a poſture of War to reduce them to their Obedience; but who ſpoke firſt at the Board he remembers not.*

Earl of *Morton*.

After ſome debate about reading the Examinations of Witneſſes not preſent, the Lord High Steward ruling it, the Examination of the Earl of *Morton* was read, he being ſick; *That the Earl had ſaid, as before, for the Ground of War, and that the Examinate told his Majeſty he had given the* Scots *leave to Petition in Parliament for Redreſs, and without hearing their Reaſons, there was not ſufficient Ground for War, to which his Majeſty ſaid he ſpoke reaſon;* howbeit the Lord *Strafford* ſaid, *there was ground enough for War.* Whence Mr. *Whitlock* obſerved, *That though he knew not the Reaſons, nor was verſed in* Republica aliena, *yet he repeats his advice, That theſe Demands* &c. *That the* Scots *Commiſſioners by his Majeſtie's leave being on their way to give Reaſons, yet the Earl of* Strafford *ſaid, the demands were not matters of Religion, but ſtrook at the Root of Government, and ſuch as he thought were fit for his Majeſty to puniſh.*

Sir *Hen. Vane*.

Sir *Henry Vane* depoſes, *That after the breaking up of the Parliament, ſome thing was propoſed, and he himſelf propoſed a Defenſive War, the Earl of* Strafford *an Offenſive.*

Earl of *Northumberland*.

The Earl of *Northumberland*'s Examination read, was to the ſame Effect.

Biſhop of *London*.

The Biſhop of *London* Lord Treaſurer of *England*, depoſed, *That among others, my Lord* Strafford *gave advice, That his Majeſty ſhould prepare himſelf to reduce them by Force, his Majeſty having acquainted them upon the Earl of* Traquair*'s Relation, That ſome of their Demands were prejudicial*

to

1641.

to the Crown, and which he could not grant. That the War being at another meeting reſolved upon, whether Offenſive or Defenſive, there were divers opinions, but believes my Lord Strafford *inclined to an Offenſive War.*

Mr. Nicholas *Barnwell.*

Nicholas Barnwell depoſed, *That Sir* Robert Loſtus *ſeized ſeveral* Scotch *Ships and Boats, and that others hearing, fled away, and that Sir* George Ratcliff *was diſpleaſed with Sir* Robert *for making it publick, by which means they Eſcaped.*

Archbiſhop of *Armagh.*

Then the Lord Primate of *Ireland*'s Examination was read, *That diſcourſing about levying of money, the Earl of* Strafford *declared, that he agreed with thoſe of* England, *who thought in Caſe of imminent neceſſity, the King might make uſe of his Prerogative to Levy what he pleaſed,* adding, *That His Majeſty was firſt to try his Parliament, and if they ſupplied him not, then he might make uſe of his Prerogative as he pleaſed himſelf.*

Lord *Conway.*

The Lord *Conway* depoſed, *That in private diſcourſe about the* 12 *Subſidies, the Lord* Strafford *ſaid words to this Effect, That the King had need, and if the Parliament would not ſupply the King, though he hoped they would, the cauſe being juſt and lawful, the King was juſtified before God and man if he ſought means to help himſelf, though it were againſt their Wills.*

Sir *Hen. Vane.*

Sir *Henry Vane* depoſed, that the Lord *Strafford* ſaid, *In caſe the Parliament did not ſucceed, he would be ready to aſſiſt His Majeſty in any other way.*

Sir *Rob. King.*

Sir *Robert King* depoſed to Sir *George Ratcliff*'s words about 30000 men, and 400000 l, and *that the King could not want Money, he had an Army.*

Lord *Ranulagh*

The Lord *Ranulagh* depoſed to the ſame Effect concerning Sir *George Radcliff.*

Sir *Thomas Barrington.*

Sir *Tho. Barrington* depoſed, That on private diſcourſe about the Parliament, Sir *George Wentworth* ſaid, *The Commonwealth was ſick of Peace, and will not be well till it be Conquered again.*

Sir *Robert King* further ſaid, *That the Lord* Ranulagh *was diſpleaſed at Sir* George Ratcliff*'s words, conceiving it was an intention to raiſe Money forcibly in* England, *and that they muſt turn their Swords upon them from whom they were deſcended, and cut their Throats for their own Safety; which the Earl confirmed, by offering to ſell the ſaid Lord his Eſtate in* Ireland, *though he thought they would be quieter there than in* England. From whence the Managers inferred his Deſign was againſt *England.*

Sir *Thomas Jermin.*

To prove this Deſign, Sir *Tho. Jermin* depoſed, *That he heard my Lord* Strafford *ſay ſomething of the Parliaments forſaking the King.*

The Earl of *Briſtol.*

The Earl of *Briſtol* depoſed, *That diſcourſing of the Diſtractions of the Times, the Mutiny of the Soldiers, and Danger of a War with* Scotland, *he propoſed the Summoning a new Parliament, as the beſt way to prevent thoſe Deſperate Undertakings; which diſcourſe and his Reaſons, my Lord* Strafford *ſeemed not to diſlike, but ſaid,* He thought it not counſelable at that time, in regard of the ſlow Proceedings of Parliaments, and the real and preſſing Dangers; *and that* the Parliament had refuſed Supplies, and therefore the King was to provide for the Safety of the Kingdom, *Salus Reipublicæ* being *Suprema Lex*; *and that* the King muſt not ſuffer himſelf to be maſtered by the ſtubborneſs and undutifulneſs of his people, or rather Stubberneſs and diſaffection of ſome particular men, *meaning ſome Members of Parliament, as he conceives, being diſcourſing of the Parliament.*

Lord *Newborough.*

The Lord *Newborough* depoſed, *That he heard words to this Effect*; That ſeeing the Parliament had not ſupplyed the King, His Majeſty might

1641.

Earl of Holland. take other courſes for Defence of the Kingdom; *But tho he cannot ſwear the Earl ſpake theſe words, he verily believes he heard him ſpeak ſomething to that purpoſe.* The Earl of *Holland* depoſed much to the ſame Purport.

Then they proceeded to the 23. Article, and the Examination of the Earl of *Northumberland* was read, *That in caſe of Neceſſity, for Defence of the Kingdom, if the People refuſe to Supply the King, the King is abſolved from Rules of Government, and that every thing is to be done for the Preſervation of the King and his People; and that by ſome diſcourſes to His Majeſty, he believes if the King was not ſupplyed by Parliament, ſome Courſe was intended to raiſe Money by Extraordinary wayes; but that the* Iriſh *Army was to land in the* Weſt *of* Scotland, *and he hath not heard that theſe Forces were to be imployed in* England *to compel or awe the Subjects to pay Taxes impoſed.*

Sir Hen. Vane. Sir *Henry Vane* depoſed, *That upon debate of the Queſtion, Whether Offenſive or Defenſive War, the Earl ſaid,* Your Majeſty having tryed all wayes, and being refuſed, in caſe of Extream Neceſſity, for the Safety of the Kingdom, you are looſe and abſolved from all Rules of Government, you are acquitted before God and Man; You have an Army in *Ireland*, you may imploy it to reduce this Kingdom. *But he will not interpret whether my Lord meant* England *or* Scotland; *but afterwards he ſaid poſitively* to reduce this Kingdom, *applying it to* England.

Mr. *Whitlock* ſummed up the Evidence, *That it was clear my Lord of* Strafford *had a ſtrong Deſign and Endeavour to Subvert the Fundamental Laws and Government of* England, *and to bring in an Army upon us to force this Kingdom to ſubmit to an Arbitrary Power. That he would not aggravate theſe words, which were to allay them, having in them more Bitterneſs and Horror than he is able to Expreſs.*

The Earl's Defence. After ſome little pauſe, the Earl made his Defence; *And firſt to the Earl of* Traquair's *Depoſition, the ſaid Earl ſayes, That it was the Reſolution of the Council-Board, and that he gave his Vote among the other Lords,* That if the Commiſſioners of *Scotland* gave not Satisfaction, the King might put himſelf into a poſture of War; *So that his Opinion was the ſame with the reſt, and he thinks himſelf in great Safety, having the Concomitant Opinion of ſo many wiſer Perſons than himſelf.*

And for the Earl of Moreton's *Depoſition, he hopes when the Council of* England *had reſolved it, it was no great Crime for him to ſay,* That the unreaſonable Demands of Subjects in Parliament, was a good ground for the King to put himſelf into a poſture of Defence; *and for his ſaying* it was not Religion, but the Root of Government they ſtrook at, *that he thinks he and every man that thought ſo, had reaſon to ſay as he did.*

As to Sir H. Vane, *the War being reſolved, and whether Offenſive or Defenſive the Queſtion, he hopes it is not Treaſonable for a Privy Councellor to give his Opinion according to his Conſcience; to do ſo, being their Duty and according to their Oaths, and that he was as free to give his Reaſons one way, as any other perſon another.*

As to the ſeizing the Ships, Barnwell's *Teſtimony is only by hearſay, but he will inform their Lordſhips by proof, that the* Scots Ships *were ſtayed by the Lord Admiral's Warrant, which Mr.* Slingsby *atteſted; ſo that the Earl ſaid it might appear he was no ſuch Stirrer or Incendiary between the King and his Subjects as he was repreſented.*

To the 21 *Article and the Lord Primate's Examination about the King's uſing his Prerogative, it is but* ſingularis teſtis, *and only in way of Argument; but that the words fairly conſtrued and clearly underſtood, have no ill ſence; for the King may uſe his Prerogative as he pleaſes; becauſe the King's Pleaſure is always juſt; and to think the King will uſe his Prerogative otherwiſe, were a high Offence; or to think he will uſe his Prerogative otherwiſe then as beſits a Chriſtian and Pious King.*

To my Lord Conway's *Teſtimony*, That the King might help himſelf though it were againſt their Will; *He anſwered, That to help a man's ſelf is Natural; for Self is the laſt Creature that leaves any perſon; and what is natural to every man, is ſo to the King, who is accountable not only for Himſelf, but his People.*

To Mr. Secretary Vane's *Teſtimony*, That if the Parliament ſhould not ſucceed, he would be ready to aſſiſt His Majeſty any other way, *He ſees not where the heynouſneſs or venom of the words is to endanger his Life and Honor; and he conceives Mr. Treaſurer ſaid as much; and the Wayes the King could command, or he ſerve him in, he took to be lawful wayes; and that in all Debates he concluded,* That the ſafeſt and ſureſt Expedient, was a Parliament, to make both the King and People Happy.

As to his procuring the Parliament of Ireland *to declare their Aſſiſtance in a War againſt the* Scots, *he deſired the* Remonſtrance *of the Parliament before the* 4. *Subſidies might be read*; which was,

Part of the Remonſtrance of Parliament in *Ireland*, about War with the *Scots*.

T*Hat whereas they have with one Conſent, cleerly given to His Majeſty, Four entire Subſidies towards His preſent Preparations, to reduce His Diſaffected Subjects, the Covenanters in* Scotland, *to their due Obedience; They ſtill hope that His Majeſties great Wiſdom, and unexampled Clemency, may yet prevail with the worſe affected of thoſe His Subjects, to bring them to that conformity and ſubmiſſion, which by the Laws of God and Nature they owe to him: But if His Majeſty ſhall be enforced to uſe His Power, to vindicate His juſt Authority: This Houſe for Themſelves, and the Commons of this Kingdom, do profeſs, That their Zeal and Duty ſhall not ſtay here at theſe Four Subſidies, but humbly promiſe, That they will be ready with their Perſons and Eſtates, to their uttermoſt ability, for His Majeſties future Supply in Parliament, as His great Occaſions. by the continuance of His Forces againſt that diſtemper ſhall require. This they pray, that it may be repreſented to His Majeſty by the Lord Lieutenant, and Recorded as an Ordinance of Parliament, and publiſhed in Print as a Teſtimony to all the World and ſucceeding Ages; That as this Kingdom hath the happineſs to be Governed by the beſt of Kings, ſo they deſire to give cauſe, That he ſhall account this People among the beſt of His Subjects.*

If he had procured this Declaration, *it had been no Crime; but he had no part in it, but it was their own voluntary free and chearful Action.*

For the Confederacy charged between him and Sir George Radcliff *to bring over the* Iriſh *Army to deſtroy* England, *if it be made appear that he had ſo much as a thought of it, he would give Judgment againſt himſelf as unworthy to live, who would enſlave himſelf and his Poſterity. That he hath a Heart that loves Freedom as well as another man, and values it as highly; and in a modeſt and dutiful way, will go as far to defend it: it is an Opinion he learnt in the Honourable Houſe of Commons,* That to ſtand for Property and Liberty, renders a man the beſt Subject; *That this Opinion hath gone along with him ever ſince, and he hopes he ſhall carry it to his Grave; That what*

1641.

Earl of Northumberland.

Marqueſs Hamilton.

Sir *Tho.* Lucas.

Mr. *Slingsby.*

what is depoſed by Sir Robert King *and Lord* Ranulagh *as to Sir* George Ratcliff, *cannot affect him, ſince the meaneſt Subject in the Kingdom cannot commit Treaſon by Letter of Attorney; And it is a priviledg, which though he hath the honour to be a Peer, he never deſires to do it by Proxy; and that the Army was never intended to ſet foot on* Engliſh *Ground, he deſires my Lord* Northumberland's *Examination may witneſs for him, by which it appeared they were deſigned for the* Weſt *of* Scotland; *nor did he ever hear of any Deſign of reducing the Subjects of* England *by that Army. The Lord Marqueſs* Hamilton *alſo atteſted the ſame; Sir* Tho. Lucas *Serjeant Major General of the King's Horſe atteſted the ſame. Mr.* Slingsby *who was of the Councel of War, affirmed the deſign was to land them at* Ayre *in* Scotland, *and that he had order to provide a Magazine, Shipping and Flat-Bottom Boats for that Deſign; and that he had a Coaſt Map drawn of that Place for that purpoſe.*

Sir *William* Pennyman.

Sir William Pennyman *alſo atteſted, That ſome of the Lords Petitioning the* Iriſh *Army might not land in* England, *my Lord* Strafford *told him,* He wondred at it, for there never was any ſuch intention.

As to the Teſtimony of his Brother depoſed by Sir Tho. Barrington, That *England* would never be well, till it was conquered again, *he obſerved, That his Brother, his Friends, his Table, his Houſe, his Bed, every place is ſearched to convince him of that which he thanked God he was never guilty of. That what his Brother ſayes is nothing to him, and he deſired he might be Examined; but Mr.* Maynard *oppoſed it as tending to clear himſelf, and ſo he was not heard. The diſcourſe between my Lord* Briſtol *and himſelf he confeſſes, but that what he ſaid was* in caſe of Extream Neceſſity, as Invaſion, when there is not time to call a Parliament, he conceives the King being accountable to God Almighty for Himſelf and People, he may Uſe his Power. *And for the other words,* That the King is not to be Maſtered by the frowardneſs, &c. *he does not remember it, but relyes ſo on the Honour of my Lord* Briſtol, *that he affirming it, he will not deny it, but reſerves to himſelf in this caſe the Benefit of the Law, that it is but a ſingle Teſtimony. He owns what my Lord* Newborough *depoſed, and thinks the King is not ſecluded more then another perſon from doing the beſt for himſelf in a fair and juſt and honourable way. The ſame he ſayes to my Lord of* Holland's *Depoſition, That it is grounded upon* Salus Populi Suprema Lex, *and ſpeaking it as he did with theſe Limitations, doth quite alter the Caſe; beſides, that theſe diſcourſes were private, and rather argumentative and problematical, then poſitive, and to make theſe Treaſon, were to debar men the joy and comfort of human ſociety. But all this while theſe were but words, which by Act of Parliament though much higher, are not Treaſon, citing a Clauſe of* 1 *Ed.* 6. *c.* 12. Be it Enacted by &c. if any Perſon or Perſons do compaſs and imagine by open Preaching, Expreſs words or Saying to depoſe or deprive the King, his Heirs or Succeſſors from his or their Royal Eſtate or Title, or openly publiſh or ſay by Expreſs words or ſaying, That any other Perſon or Perſons other then the King his Heirs or Succeſſors of Right ought to be, &c. *yet the firſt and ſecond offences are not made Treaſon, but only the third. That it was the wiſdom of their Lordſhips Noble Anceſtors to chain up this Lion, by concluding what is Treaſon, and not to ſuffer him to tear us all in pieces by Arbitrary Treaſon, which would make actions of Treaſon more common than Actions of Treſpaſs.*

To the words charged in the 23d *Article, ſpoken at Council Board or Committee of* Scotch *affairs,* of the King's being abſolved from all Rules of

1641.

of Government &c. *Mr. Treaſurer who depoſed them, hath reverſed his Teſtimony, ſaying,* firſt Your Majeſty hath an Army in *Ireland,* which you may employ there; *Afterwards upon being Ordered to repeat his Teſtimony, he ſaid,* which you may employ in *England*; *and whereas he calls in aid of my Lord of* Northumberland, *his Lordſhip in his Examination denies abſolutely his hearing any ſuch words, he ſayes indeed he conceives there was intended ſome Extraordinary wayes of raiſing money, which my Lord* Strafford *ſayes was meant of borrowing* 3 *or* 400000 l. *my Lord Marqueſs* Hamilton *remembers no ſuch words. Then he deſired the Lord Treaſurer might be examined, who averred he never heard my Lord* Strafford *ſpeak any ſuch words. The Lord* Cottington *averred the ſame, only he heard my Lord* Strafford *ſay,* The Parliament had not provided for the King, *or* had left the King without money; *which was no more then truth. And to the extraordinary wayes, That my Lord ſaid,* the King ought to ſeek all due and legal wayes, and uſe his Prerogative *Caſtè & Candidè, and ſo my Lord concluded, That Mr. Secretarie's at moſt was but a ſingle Teſtimony of Words, which by the before recited Statute requires two ſufficient Lawful Witneſſes, or the voluntary confeſſion of the Party. He deſired that the Antecedents and Conſequents of his words might be taken together, and that being ſpoken of a Caſe of extreme neceſſity, and the King's uſing his Power* candidè & caſte, *and they would not with thoſe reſtrictions and limitations with which he ſpake them, he hoped, appear ſo criminal.* And for this purpoſe he deſired the Earl of *Northumberland's* Examination might be read, which was, *That he heard the Earl of* Strafford *often ſay,* That that Power was to be uſed *Candidè & Caſtè,* and an account thereof ſhould be given to the Parliament that they might ſee it was only ſo uſed: *That further the Earl of* Strafford *ſaid,* That the Kingdom could not be happy but by good agreement between the King and his People in Parliament. *The Marqueſs of* Hamilton *alſo being Examined, atteſted the ſame,* and that heard him ſpeak thoſe words both before and after the Parliament, and that it was upon the Occaſion of his informing the King, that the *Scottiſh* Army would certainly invade *England. Lord* Goring *and Sir* Thomas German *atteſted to the ſame Effect.* Lord Treaſurer ſaid, *he remembered the words, but not the particular occaſion,* He then added, *That as this was his meaning, ſo it was cleared to be ſo by the ſubſequent Actions; for nothing had been done upon it againſt the Laws and Cuſtoms of the Realm; that theſe words were ſpoken in full Council, where he was upon Oath to ſpeak his Conſcience; and had he not done ſo, he muſt have been perjured; and if he muſt be either perjured to God, or a Traytor to man, he had learnt to fear him who can deſtroy both Soul and Body, and not Man, who can only kill the Body; That it was but his Opinion, if held pertinaciouſly may make a man a Heretick not a Traytor, yet he was not pertinacious, he preſſed it no further, nor was any thing done upon it. He further deſired their Lordſhips to conſider the great Truſts and Thoughts they were born and bred to, for the weighty imployments of the Kingdom, but this would diſable and diſcourage men from that ſervice, if a Counceller delivering his Opinion, ſhall upon miſtaking or not knowing the Law, be brought into Queſtion for his Life and Honour and Poſterity, and that few Wiſe and Noble Perſons would upon ſuch unſafe terms adventure to be Counſellors to the King; humbly beſeeching their Lordſhips to think of him ſo, as not to bring an inconvenience upon themſelves and Poſterity.*

1641. Managers reply.

To this Mr. *Whitlock* replyed, *That whereas my Lord Excuſes his words as being only concurrent with the Vote of Council, it is evident ſome were of another Opinion; That whereas he ſayes* he therefore gave advice, conceiving the *Scots* Demands ſtrook at the Root of Government, *it is plain they did not, being ſince by Royal Aſſent made Acts of Parliament in* Scotland; *it was his Reſolution, his Advice there ſhould be* an Offenſive War: *For ſtaying the Ships, they will not inſiſt upon it. For his ſaying,* The King's helping himſelf was a Natural Motion; *to do it againſt the Will of the Subjects, was a Violent Motion, and his Lordſhips Deſign; and for* helping the King in other wayes if the Parliament were Diſſolved, *he was willing it ſhould be ſo, by propoſing Supplies before Redreſs of Grievances, and before a Reſolution, Whether they would give, to inform againſt the Parliament by miſ-information; and for the Parliament of* Irelands *Reſolution and Declaration, it was by his procurement, being Chief Governor there; And for Uſing the Army againſt* England, *admitting the primary Intention were to land them in* Scotland, *but when the Army was landed, his Intentions might change, and it ſeems it was, by his labouring to perſwade the King to make Uſe of it to reduce this Kingdom. That no Anſwer was given by my Lord to thoſe words,* That the King was not to be Maſtered by the frowardneſs of his People, &c. *That notwithſtanding the Stat. of* Ed. 6. *it is High Treaſon to adviſe the Deſtruction of the King; and though the words in themſelves are not Treaſon, yet as they declare an Intention of Subverting the Laws and Government of the Kingdom, they are. That Mr. Treaſurer ſwears the words affirmatively; and that others did not hear, diſproves not his Teſtimony: but comparing all together, it appears his Intention was to bring in that Army to reduce this Kingdom. That* His Majeſty muſt not be maſtered, *implyes he muſt maſter them, and that by the force of others, and to compel the Subjects to ſubmit to an Arbitrary Power. That nothing was done upon thoſe Councels, is no Excuſe to him; it is an Obligation to the Subjects to Love and Honour the King for rejecting them; but yet ſome things were done which my Lord will never be able to juſtifie;* concluding, *That this was not only* Crimen læſæ Majeſtatis, *but alſo* Reipublicæ.

Mr. *Maynard* ſeconded Mr. *Whitlock*, obſerving, *That my Lord had taken ſuch a courſe to weaken the Teſtimonies, that allowing it, nothing will be ſo ſtrong, but he will take off the ſtrength of it, and that is by taking them in pieces, and then ſaying they are but ſingle Evidence; whereas it is Evident, that upon all occaſions he ſpoke ſuch words, if his Adverbs* Candidè & Caſtè *muſt be applyed to what is lawful, they were needleſs; and truly he may ſay it was done* Cautè, *thô not* Caſtè. *The Caſe comes to this, There was a Parliament Sitting, a little before he caſts out words about raiſing Money, which muſt be made good by Adverbs; Money muſt be raiſed in an Extraordinary way, the Parliament is broken, a Neceſſity made, and Soldiers muſt be brought in to make good theſe wayes; take theſe aſunder, and my Lord will make it a good Action; but taken together, they make good the Charge; and that though Treaſon is not in his words, but in his wicked Counſels.*

Mr. *Glyn* took up the Bucklers and added, *That he had aſcended the Throne, and by ill Counſels endeavoured to infuſe his Venom into the King's Perſon, and to Corrupt the Fountain; but God be praiſed he met with a Gracious King, upon whom he could not prevail; and for his bringing the Army into* England, *thô he tells Sir* William Pennyman *he did not intend it, yet there was* Vox Populi, *and that was a horrid Witneſs. That he intended to invade the Property of the People, is plain from his own words,* That the King ſhould make Reſtitution when the Danger was over; *and his ſaying;*

ing, That a Privy Councellor ought not to be queſtioned for his Counſels, *was ſo great a proof of his Actions, that he could not give a Greater.*

Then by conſent, my Lord moving for a dayes interval, his Voice and Strength being ſpent, the Court was adjourned till *Wedneſday.*

Wedneſday, April 7. Artic. 25.

Upon *Wedneſday* the Commons proceeded to the 25th Article of the Charge, concerning the Earl of *Strafford*'s advice of *Vigorouſly levying Ship-money, and by compulſion Endeavouring to raiſe money upon the Lord Mayor and City of* London ; *and that for their not complying, they deſerved to be put to Fine and Ranſom.*

Lord *Treaſurer.*

To this the Lord Treaſurer Biſhop *Williams* depoſed, *That Ship-money coming in very ſlowly, they were forced to take out great Sums to furniſh the Fleet out of the Money provided for the Army, and my Lord* Strafford *ſaid,* That if it were not repaid the Army would be deſtitute, and therefore adviſed the Ship-Money might go on vigorouſly to repay it.

Sir *Thomas Wiſeman.*

Sir *Tho. Wiſeman* depoſed, *That the Aldermen being called before their Lordſhips about the Loan, my Lord* Strafford *ſaid,* They would never do their Duty well, till they were put to Fine and Ranſom ; *and to His Majeſty,* You will have no good of this man, *meaning, as he ſuppoſes, the Lord Mayor,* till he be laid by the heels: *but whether about Loan or Ship-money that was ſpoken, he remembers not.*

Earl of *Berks.*

The Earl of *Berkſhire* depoſed, *That the King deſiring to borrow Money upon good Security at* 8. per Cent. *and the Aldermen Excuſing themſelves for nominating who were able to lend in their ſeveral Wards, my Lord* Strafford *ſaid,* Gentlemen, in my Opinion you may be liable to Fine and Ranſom for refuſing the King's Command in not certifying the Names.

Sir *Henry Garaway.*

Sir *H. Garaway* depoſed, *That being Lord Mayor, he attended the Council about Ship-Money, informing His Majeſty, That the Willing Men had only paid the Money, and they thought it unequal others ſhould go free ; That it was the Opinion of the City,* That a Writ for Ship-Money and a Writ for a Parliament did not agree ; *and that they found People generally averſe to it : whereupon my Lord* Strafford *ſaid to the King,* Sir, you will never do good on this Man, till you have made him an Example, he is too diffident ; *(or to that purpoſe)* unleſs you commit him, you ſhall do no good upon him : *And about the Loan-Money, deſiring to be ſpared in ſeting a Rate on Mens Eſtates, the Earl ſaid to the King,* Sir, you will never do good of theſe Citizens of *London,* till you have made Examples of ſome of the Aldermen ; *to his beſt remembrance he ſaid,* Unleſs you hang up ſome of them, you will do no good upon them ; *this he ſpake poſitively.*

The Earl's Defence.

The Earl replyed, *That he would ſpeak with as much Truth, thô not ſo much confidence as this Gentleman ; That he muſt ſtill inſiſt upon this, that admitting it proved, it does not amount to Treaſon, nothing being proved but by ſingle Teſtimonies; that as to Ship-money, there was a Judgment given in the Star-Chamber, and if he was in an Error, he was led into it by the practiſe of the Times and wiſer men than himſelf; howbeit, he doth not juſtifie himſelf in that point, being better informed by what he hath heard ſince, is the Judgment of thoſe to whoſe wiſdom he ſubmits. That in ſuch a Caſe of extreme neceſſity, he might hold the Aldermen lyable to*

Fine and Ranſom, in caſe they did not ſubmit to the King's demands; he wiſhes he had not ſpoken them, but being a little Exceſs of Extravagant Speech, he hopes by their Lordſhips Favour it may be excuſed; and God forbid for every ſuch Exceſs a man ſhould be Arraigned for Treaſon, for otherwiſe few would Eſcape the Danger of haſty words: for the words about hanging them up, *My Lord Major at firſt ſaid it* to the beſt of his remembrance, *and afterwards abſolutely, And he ſayes to the beſt of his remembrance he did not ſpeak them; and if he did, being ſpoken in ſo good Company, ſome of their Lordſhips would have remembred them. And however it ſtands with him now, before theſe misfortunes befel him he was equally to be Credited with this Gentleman; all the difference being, one ſayes it, the other denies it; and that at moſt being a haſty word, and excuſable in a free ſpoken man, as he was, and who ſmarts for it, he hoped their Lordſhips Honour and Juſtice will rather Excuſe then puniſh it.*

Managers Reply. Mr. *Maynard* replyed, *The Committee ſhall need to ſay little to this Anſwer, but that ſuch words compared with his other words and Actions, proceed not from paſſion but Principles to do all things by his Will againſt Law; and that my Lord knew theſe things, and eſpecially the Ship-money were againſt Law, himſelf having ſo great a hand in the Petition of Right.*

Mr *Glyn* added, *That whereas my Lord thinks it hard to be queſtioned for haſty words as High-Treaſon, their Lordſhips may remember how for words concerning* Treading on his Toe *he proſecuted the Lord* Mountnorris *as far as to Life.*

Artic. 26. They next proceeded to the Charge in the 26 Article, concerning *ſeizing the money in the Mint, and Embaſing of Coyn.*

Rob. Edwards. To prove this *Robert Edwards* ſworn, depoſed, *That going to repreſent to him the Inconvenience of the ſeiſure of their Money in the Tower, and that ſome Forreigners being concerned in it, the Merchants Eſtates abroad upon their Complaint would be ſeized, my Lord anſwered,* That if they fared amiſs, they might thank themſelves; and though they think it ſo ſtrange here, yet beyond Sea it is not ſo, but on Commands men have their Goods taken: *and touching the City he ſaid,* They dealt unthankfully with the King, there being 14000 *l.* due for Ship-money, which they denied, and did more to maintain Rebels, than to maintain his Majeſty. *Being bid repeat it, he ſaid upon their Petition to my Lord about the Money in the Tower, the Earl ſaid,* That if they did ſpeed amiſs, they might thank themſelves, for they were more ready to hold with Rebels than to give the King his due, which was 14000 *l.* Ship money; *that my Lord was ſick and ſate in his Chair, ſaid,* That he knew nothing of it till that morning.

Ant. Palmer. *Anthony Palmer* ſworn, depoſed, *That in diſcourſe with my Lord about baſe money, and giving him reaſons againſt it, he ſhewed him and the other Officers of the Mint a Letter ſent him out of* France, *and read it in* Engliſh, *That the* French *King had appointed Officers to view mens books and accompts, to know what the King might demand of them and force them to pay; and ſomething to this purpoſe,* That it was an Example, *or* might be an Example to do the like in *England*.

Henry Gogan. *Lord* Cottington, *Sir* William Parkhurſt *and Mr.* Gogan *being Preſent.* Mr. *Gogan* ſworn, depoſed to the ſame Effect; *and that he ſaid to my Lord* Cottington, My Lord, this is worthy your Conſideration, *or* hearing, *or to that purpoſe.*

1641.

Sir *William Parkhurſt.*

Sir *William Parkhurſt* ſworn, depoſed, *That they were diſcourſed about the Copper money made for* Ireland *in Queen* Elizabeth's *time, and ſhewed them ſuch a Letter, and read the contents in* Engliſh, *as before expreſſed, but further he heard him not ſay, nor any thing as expreſſed to the Lord* Cottington, *or that if the King ſhould do ſo he ſhould follow the Example of other Princes.*

Sir *Ralph Freeman.*

Sir *Ralph Freeman* ſworn, depoſed, *That in a Debate about Copper-money, he ſaying the workmen would not work if paid in that money, my Lord replyed,* You know what courſe to take with them, you may ſend them to the Houſe of Correction.

The Examination of Mr. *Thomas Skinner* was read, he being not preſent, and my Lord having a Liberty reſerved to Croſs-Examine him, he in his Examination, about the ſeiſure of the Bullion, applying with others to my Lord, he told them *he knew not of it till that morning, and that it was no news in other Countries where Princes made uſe of ſuch wayes to ſerve their Occaſions*; and in Effect about the Cities ingratitude &c. as the other Witneſſes.

The Earl's Anſwer.

To this he anſwered, after ſome Recollection, *That for that part which would have been the principal part of the Charge, concerning his Approving, Counſelling or Deviſing theſe Projects, there was no proof offered, and that the Teſtimony of the Witneſſes acquits him; for the undutifulneſs of the City the proofs are full, and fuller then any thing of the Charge ſince his Tryal began; that at that time he thought ſo, but ſince he is of another Opinion, and expreſſed himſelf ſo at the Council of Peers at* York, *upon the Cities lending the King* 200000 l. *and that he would ſerve them with his Life. For the* French *Letter, and what was ſaid to the Lord* Cottington, *Mr.* Gogan *is ſingular in his Teſtimony; this Letter he received from the Lord of* Leiceſter, *which mentioned how the Cardinal had given directions to go into the Houſes of diverſe Merchants in* Paris, *&c. and having read it, ſaid;* You ſee what is done in other places, but God be thanked you have ſo Pious and Gracious a King, that he thinks on none of theſe things.

My Lord Cottington *being interrogated, ſaid he knew nothing of the Letter, nor ever heard of it, but becauſe he would recall it, he ſpake with Sir* William Parkhurſt *and Mr.* Palmer, *they told him that while my Lord was reading the Letter he was in another Room writing. From whence my Lord concluded, That having told their Lordſhips the truth clearly, under Favour of theſe Gentlemen, he thought nothing can incline one way or other to be an Accuſation of High Treaſon.*

Managers Reply.

Mr. *Maynard* replyed, *That his words concerning the Great City of the Kingdom was no ſuch ſlight thing.*

Mr. *Stroud* added, *That whereas my Lord ſayes Words only are laid to his Charge, words may be Treaſon and more dangerous than ſome Actions, ſuch were his Counſelling the King and Provoking him to Tyrannical Actions to his Subjects; but my Lord ſtayes not here, for Four Aldermen were Committed that day he gave the Counſel,* concluding, *That his words and Actions agree in this Kingdom, and the miſeries of this Kingdom do agree with his words and Actions.*

Artic. 27.

Mr. *Maynard* proceeded to the 27*th* Article, of the Earl's *Levying Money in* Yorkſhire, *and threatning the Refuſers, to take ſatisfaction out of their Goods, and that to refuſe, was little ſhort of High Treaſon.*

First the Petition of the Gentlemen of the County of *York* was read in theſe words.

The Petition of the *Yorkſhire* Gentlemen.

WHereas Your Majeſty imparted to us the danger, by the incurſions of the Scots, and the neceſſity of continuing the Trained-Bands of this County in entertainment for two Months, & raiſing Money ſo long, and did Royally aſſure us, That the Wardſhips of ſuch as dyed in this Imployment, ſhould be freed, and one third part of the Trained-Bands ſhould be abated, for which we acknowledge our bounden thankfulneſs, in ready obedience of Your Majeſties Command, we have repreſented to Your Majeſty our preſent Condition, and in the entrance of the buſineſs, we found a great impediment and diſcouragement, by certain Warrants produced for levying Money, towards this new ſervice, wherein in the firſt place, we cannot omit to let your Majeſty know, the great grief we have, in that the County is there charged with diſaffection and backwardneſs therein, which as we are confident, we never were guilty of, ſo we were in good hope, your Majeſty had received no ſuch Impreſſion of us. And in the next place, we find our ſelves much grieved, that the execution of ſuch Warrants, which we conceive illegal, ſhould be concluded and urged on peril of life; notwithſtanding the ſtrictneſs of which Warrants, we find divers parts of the County have not been able to pay the Money demanded, and from thence, and the atteſtation of divers Gentlemen, we are aſſured the ſcarcity of Money is ſuch, that it is diſabled from ſatisfying your expectation therein; And that Your Majeſty may know it is no pretence, but a real poverty; we are bold to repreſent the Charges, *viz.* of

Ship-Money.
Vaſt expences the laſt year in Military affairs.
The Billeting and Inſolency of Soldiers this Summer, part of the time on the credit of the County.
Decay of Trade.
Stop of Markets.
Charge of Carriages, eſpecially in Harveſt, by which means, not only the common people, but moſt of the Gentry, by the failing of Rents, are much impoveriſhed.

And therefore we petition Your Majeſty, You will accept our endeavour, to prevail with the Country to raiſe ſo much Money, as will pay the County one whole month, from their firſt riſing, within which time, (as is generally reported) Your Majeſty hath Commanded the attendance of the Peers, to conſult for the ſafety of the Kingdom, and pray the Trained-Bands may be continued in the Villages, where they are Quartered, except Your occaſions otherwiſe require it; and in the interim, for the redreſs of theſe Grievances, and ſecurity of Your Kingdom, Your Majeſty will pleaſe, to Declare Your Pleaſure for ſummoning the High Court of Parliament, *&c.*

Sir *Philip Stapletan.* Sir *Hugh Cholmley.*

This Petition Sir *Philip Stapleton* depoſed upon Oath, *to be the true Petition.* Then Sir *Hugh Cholmley* depoſed, *That according to the deſire of the Gentlemen, this Petition was by the Lord* Wharton *delivered to the Earl, who took Exception at their Petitioning for a Parliament, and ſaid,* Leaving out that Clauſe he would joyn with them in that Petition.

Sir *Hen. Cholmley.*

Sir *Henry Cholmley* depoſed, That informing my Lord that notwithſtanding the Warrants; Mony came not in, and that unleſs he had money ſhortly the Regiment of which he was Colonel, would diſband; his Lordſhip told him, *he would ſend a Levy on the Goods of thoſe that refuſed*: but knows not whether ſuch Levies were ſent.

Sir *John Hotham.*

Sir *John Hotham* depoſed much to the ſame Effect.

Sir *Philip Stapleton.*

Sir *Philip Stapleton* depoſed, *That the Gentry upon the King's Summons being met, drew the Petition, to which there were* 100 *hands, and that the*

Earl refuſed to deliver it, unleſs the concluding clauſe were left out; but moſt of them reſolved to ſtand to that Petition, and many went out of Town, not doubting the delivery of it. My Lord put it to the Vote, where there were many Papiſts, and on the Vote delivered an Anſwer, what he knows not; for he ſtayed behind to draw another Petition and humble Proteſtation to his Majeſty; that this Petition was the Anſwer of the Countrey.

Lord *Wharton.*

Lord *Wharton* depoſed, *That attending my Lord* Strafford *with this Petition, he refuſed to deliver it upon the Exception before mentioned; that divers of the Gentlemen that were there would not go back, from that with which ſo much humility and reaſon they thought was deſired; thereupon my Lord went to the King; but they who thought not fit to alter the Petition went not with him, and what he ſaid, he knows not.*

Then this following Warrant of Sir *William Pennyman*'s was produced, and he owning it, and it being, not in Accuſation of himſelf, but grounded on my Lord *Strafford*'s Command for Levying money, it was read.

To the Conſtable of Sergeant-Major *Yaworthe*'s Company.

Sir *William Pennyman's* Warrant.

WHereas the Lord Lieutenant-General of his Majeſties Army, by His Majeſties Command, ſent forth Warrants to the Conſtable of this Weapontake *of* Longborough, *for Collecting and Paying the Soldiers of my Regiment, Six weeks pay, to be delivered from my hands, which is not yet received from,* &c.

Theſe are therefore once more in his Majeſties Name, to Will and Require you forthwith, to pay, or cauſe to be paid to the ſaid Sergeant-Major, the ſeveral Rates and Proportions, both of the Firſt and Second Contribution, Aſſeſſed on your Town, &c. *And if any Perſon or Perſons ſhall refuſe ſo to do, you are inſtantly on receit hereof, to bring him or them,* &c. *to ſerve in their own Perſons, for the defence of this County, as the neceſſity of this Cauſe requires; And hereof,* &c. *fail not* 19 Octob. 1640.

William Pennyman.

To this Sir *William* depoſed, *That he cannot ſay whether the firſt Warrant was iſſued by the Vice-Preſident, or whether any was iſſued by my Lord* Strafford's *direction*; And being again and again urged to ſpeak poſitively and Categorically, he ſaid, *he did verily believe the ground of the Warrant of the Deputy-Lieutenants to Levy money on the Countrey, was, That my Lord told them,* That he had acquainted the Lords of the great Council and his Majeſty, and that he did it by their conſent; *but he was out of the room when it was drawn, only Mr.* Rockly *a Deputy-Lieutenant told him ſo.*

Sir *H. Griffin.*

Sir *Henry Griffin* depoſed, *That he heard my Lord ſay,* That he had direction from the great Council to Levy money for Sir *William Pennyman* and Sir *Thomas Danby*'s Regiments, and that by a clauſe in the Order the Refuſers were to be compelled to ſerve in perſon.

Sir *Robert Strickland.*

Sir *John Burroughs.*

Sir *Robert Strickland* ſworn, depoſed the ſame.

Sir *John Burroughs* ſworn, depoſed, *That upon the* 20th *of* October, *Mr.* Robert Strickland *and Mr.* Mallard *coming as he thinks to tender their ſervices to the Lords, among other diſcourſe, mentioned ſome Order concerning the relieving the two Regiments for the Guard of* Richmonſhire, *and that thereupon themſelves, my Lord* Strafford, *and the reſt of the Deputy-Lieutenants*

tenants had granted Warrants for the aſſeſſing Money; at this the Lords were ſtartled, and commanded him to inform them if there were any ſuch Order; he told them, (being Clerk) That he remembred none, *nor drew up any; The Lords deſired thoſe 2 Gentlemen to give them Copies of thoſe Warrants they had ſent out, and that Sir* John *ſhould take their Teſtimony; which he did. My Lord of* Strafford *did take notice that ſome ſuch thing had been done at* Rippon, *and ſaid then to the Lords,* That he did conceive he had the King's Order and their Lordſhips approbation for the iſſuing out of this Warrant; but ſince he conceives their Lordſhips diſliked it, and had taken Copies of it, he was very willing to withdraw theſe Warrants. *And this was on the laſt day of the great Council, but that my Lord-Deputy appealed to the King, and the King ſaid,* he did acquaint him with it before the Lords, but that the Lords abſolutely declined the making any ſuch Warrants, and were generally againſt it.

Mr. H.Cholmley.

Mr. *Henry Cholmley* ſworn, depoſed, That my Lord ſaid, *That the Cuſtom was, that private men ſhould ſerve in Perſon in the Trainbands, or maintain the Charge of them, and the Common-mens Charge is born by the Conſtables of the Town whence they come;* and told the King, *Sir, if you pleaſe Mr. Vice-Preſident may, or ſhall, ſend out Warrants to this purpoſe.*

Will. Dowſen.

William Dowſen depoſed, *That Mr.* Yaworth, *Sir* William Pennyman's Major, *came with 4 Musketeers to* Egton, *ſent for the Aſſeſſors, who being unwilling to aſſeſs, he told them they ſhould anſwer it before my Lord General, and ſhewed a Warrant from Sir* William Pennyman, *but he did not ſee it, but 2 Musketeers went with each Conſtable to Levy the money.*

Will. Pierſon.

William Pierſon depoſed the ſame, *And that he ſaw Sir* William Pennyman's *name to the Warrant, and that in the Town 4 Musketeers went with the Conſtable.*

Sir William Ingram.

Sir *William Ingram* depoſed, *That inquiring of my Lord* Strafford *how the Soldiers muſt be maintained, my Lord told him* the private men muſt maintain their Soldiers at 8 *d. per diem,* or elſe he would commit them, and the Soldiers ſhould be maintained at that Rate out of their Eſtates; and if any refuſed to pay their Aſſeſſment, they ſhould be committed to Priſon and lye there; and he would have all men to know, that refuſed to pay ſuch Contribution, that they were in little better Condition then guilty of High Treaſon.

Sir Henry Griffin.

Sir *Henry Griffin* depoſed, *That his Regiment advancing, he received* 300 l. *on the Aſſeſſment by virtue of this Warrant, but more they could not, nor would not pay; upon which complaining to my Lord he told him,* he would take a Courſe; *and my Lord did grant forth his Warrant, and ſent a Meſſenger from Conſtable to Conſtable, and all was paid; and for ought he knows voluntarily.*

Sir Hugh Cholmley.

Sir *Hugh Cholmley* depoſed, *That of thoſe who ſtaid with my Lord* Strafford *and joyned in the latter Petition, they took a Note of above twenty that the Countrey had an opinion of, that they were Papiſts, or men affected that way; but whether convict or not, he could not tell.*

The Earl's Defence.

After ſome little time of Recollection the Earl made his Defence, *That as to the Petition whereas they were to meet together, and he having ſome poor Intereſt in the Countrey, and not being made acquainted with the drawing of it, but it was done privately, he appeals to their Lordſhips, whether he who was made a Stranger to the beginning of it, ſhould be over officious*

1641.

officious to ſerve them in the Concluſion; he acknowledges he did diſadviſe the Clauſe about Petitioning for a Parliament, not out of averſion to Parliaments, for he told them at the meeting of the Great Council, his Majeſty would be pleaſed to call a Parliament, and that their Petition would neither further nor hinder it, and therefore might be forborn, and the King left free in his Acts of Grace to his People, that he might have all the Honour of it to himſelf, and it ſhould proceed from his own Goodneſs and Royal Breaſt, not as adviſed to it by any others, thereby to apply the Affections and Gratitude of the People to his Majeſty.

As to the ſecond Meſſage and raiſing a Tax without lawful Warrant, he ſaid, That on Debate of the buſineſs, of 200 *preſent, not above* 3 *or* 4 *Diſſented, but that they did totally lay aſide the Petition, and gave him Commiſſion to ſignifie to his Majeſty how willing they were to contribute a Months pay to the Train Bands; which he did faithfully deliver, and named divers who gave their conſent who were free from the imputation of Popery as any in the County.*

Sir *Paul Neal.*

To this Sir *Paul Neal* was Examined, *Who atteſted it was according to the Account his Lordſhip had given, that if he thinks* 200 *Gentlemen Except* 4 *or* 5 *he dares ſwear not* 10 *the whole Vote of the Company was, that it ſhould be delivered according to the ſubſtance of the Petition, the laſt Clauſe left out.*

Sir *Edward, Osborn.*

Sir *Edward Osborn* averred, *That all but about Ten did conſent to a Months pay and to leave out the Clauſe, and not above* 4 *or* 5 *Gentlemen opened their mouths againſt this conſent in words, their hearts he knows not.*

Sir *William Pennyman.*

Sir *William Pennyman* atteſted the ſame, *And that divers who had ſet their hands to the Petition did retract it, himſelf for one, and ſeveral Members of the Houſe whom he would name if their Lordſhips thought fit, but it was waved, and as Sir* Edward Osborn *ſaid, before the Crowd was ſo great that at the delivery of the Meſſage by my Lord to the King he could not come near to hear, whence my Lord obſerved it was not done in a Corner when Perſons of their quality could not come near.*

Sir *Will. Savil.*

Sir *William Savil* atteſted the ſame, *In effect as to retracting the Petition, the number of Diſſenters, and that my Lord delivered it in his hearing faithfully to his Majeſty, and with much more advantage then the Petition was drawn, and that he believes verily a months pay was the intention of them all, and where he lived it was paid very willingly and no complaints of want of Money. Sir* William Pennyman, *Sir* Edward Osborn *atteſted to that point.*

Sir *Ed. Rhodes.*

Sir *Edward Rhodes* atteſted much to the ſame purpoſe, *And that the Hall being appointed for the place of Debate of this Affair, My Lord* Strafford *took notice that he was not fairly dealt with to have a Petition drawn without his conſent and the buſineſs concluded before the time and out of the place appointed, and that of* 3000 *Gentlemen he thinks not ſo many as* 20 *did diſaſſent.*

Sir *Tho. Danby.*

Sir *Thomas Danby* atteſted the ſame, only upon Mr. *Maynard's* queſtion, *Whether two Soldiers were not hang'd for mutinying for want of pay? which they would not have done, if they had been well paid, Sir* Thomas *anſwered, he could not ſpeak to that without prejudice to himſelf he being queſtioned for hanging men by Martial Law.*

1641.

Sir George Wentworth.

Sir *George Wentworth* of *Woolley* atteſted the ſame, *As to retracting the Petition, and my Lords delivering it by word of mouth,* &c.

My Lord then proceeded to the matter of Sir *William Pennyman*'s Warrant, and declared, *That upon the complaint of thoſe who maintained the 2 Regiments at* Yarum *and* Richmondſhire, *deſiring that common Juſtice might be done in the common misfortune, he did, divers of the Lords being at* Rippon, *humbly preſent to the King and great Council of Peers at* York, *That it was Juſtice and Reaſon, that the reſt of the Countrey ſhould contribute towards the Charge for the common benefit, or elſe ſucceſſively relieve thoſe Regiments; this he moving, his Majeſty was pleaſed to aſſent and gave direction he ſhould proceed; upon which he ſaid, Then if my Lords approve of it, I ſhall ſee it done accordingly.*

That divers of the Lords ſaid Yes, and he took it for granted; but underſtanding that ſome of their Lordſhips at Rippon *were diſſatisfied that it was ſaid to be the Act of the Great Council, the laſt day they met he gave an account of it, and moved the King to know whether the Warrant ſhould be recalled, and ſome Lords ſaying the Great Council had no power to Levy money; to which he anſwered, the Warrant was not to levy money, but to enjoyn the Parties to do their Duties, or pay the money: at which time the King was pleaſed to Command him to go on, and no perſon ſpake to the contrary, which he took for conſent; that all he got by it was to have his own Tenants charged, who otherwiſe would not have paid a Farthing, and that it was done for the eaſe of the Countrey, and ſo taken, it being much more for their Eaſe to pay that money, then to relieve thoſe Regiments, ſome of them being to march 70 Miles, Sir* Edward Osborn, *Sir* William Pennyman *and Mr.* Roger Strickland *atteſted this, and that by all parties it was look't upon as an Eaſe and Benefit. As for Sir* Edward Osborn's *Warrant and Mr.* Yoward's *and the Musketteers, he made no Warrant, gave no directions.*

But he conceives he hath done nothing but what he was impow'red by his Commiſſion, a Clauſe of which was, For the better Execution of this our Commiſſion, We do further give and grant to you full power and Authority from time to time, and at all times at your diſcretion, to command and require of and from all our Lieutenants and Deputy-Lieutenants in our ſeveral Counties of this our Realm and Dominion of *Wales*, and of and from every or any of them, to ſend to you, *or ſuch place as you ſhall appoint, ſuch number of able men for War, as well Horſemen as Foot-men in the ſaid Counties reſpectively, or otherwiſe ſufficiently Armed and furniſhed, as you in your diſcretion ſhall appoint and require.*

And he did not ſend to pay money, but to relieve them by turns; and if they found it for their Eaſe, they might do their duty, which by Common Allegiance is due, or be at the Charge to have it done for them.

And then he inſiſted upon another Clauſe which is according to the Statute of 11 *H.* 7. in theſe words.

And further, Our pleaſure is, and we do give and grant for us our Heirs and Succeſſors, That whatſoever you, or any other perſon or perſons of what degree ſoever, by your Commiſſion, Warrant or Command ſhall do by Virtue of this Our Commiſſion or Letters Patents, or according to the Inſtructions aforeſaid, or the purport of this Our Commiſſion touching the Execution of the Premiſſes, both you and the ſaid perſons in ſhewing forth theſe our Letters Patents, or the Conſtat, or Inrollment thereof, ſhall be diſcharged and acquitted againſt Us, Our

Heir

1641.

Heirs and Succeſſors, and freed from all Impeachment and other moleſtation for the ſame. *And therefore if he erred, he hopes he is to be Excuſed*; for this purpoſe citing part of the Statute of 11 *H.* 7.

Part of the Statute of 11 *H.* 7.

THe King, our Soveraign Lord, recalling to his Remembrance the Duty and Allegiance of His Subjects, and that they, by reaſon of the ſame, are bound to ſerve the King for the time to come in His Wars, againſt every Rebellion, and Power, and Might, &c. *and whatſoever falls againſt the mind of the Prince; and, that it is againſt all Law, Reaſon and Conſcience, that attending His Perſon; or being in other places of His Command, any ſhould loſe or forfeit for doing their true Service and Obedience. Be it therefore Enacted,* &c. *That from henceforth, no manner of Perſon, or Perſons whatſoever, that attends the King in His Perſon, and do Him true Allegiance in His Perſon, or be in other places in His Wars, for the ſaid Deed, or true Duty, he and they ſhall be any way convicted, and Attainted of Treaſon, nor of any other Offence by any Proceſs of Law, whereby he ſhall forfeit Lands, Goods, Tenements,* &c. *and ſhall be for that Deed and Service utterly diſcharged of any Vexation,* &c.

So that, as he conceives, having done nothing but for the good of his Majeſtie's Service, the preſervation of the Countrey, whatever he may have offended, he hopes by the Act of Parliament and his Commiſſion, he may appear to their Lordſhips Juſtice and Compaſſion to a man that may Err, acquitted of the Charge of High-Treaſon. For the words, That Refuſers were guilty of little leſs then High-Treaſon, *that taking it, as he ſaid for a denial of Common Allegiance, it is no ſmall Crime, but it is only a ſingle Teſtimony; for which he takes himſelf not to be accomptable.*

Managers Reply.

Mr. *Maynard* replyed, *That he had in ſtating his Caſe encreaſed not diminiſhed his Fault: for that the conſent of ſome Gentlemen and Free-holders could not bind the reſt, and it is no legal way to raiſe money by Warrant, much leſs by Force; That he had no conſent of the Lords for what he did, as he pretended. His Commiſſion ſpeaks not of money, and the Statute is not to his Caſe, it being for ſervice on their Allegiance due to the King; and levying Money Illegally, is no part of that ſervice; That he did not firſt require men to ſerve, but firſt pay; and if not, menaces them with Service, as appears by the Warrants;* And to the ſingle teſtimony of Sir *William Ingram* concerning Treaſon for non-payment, they produced Mr. *Cholmley*, who depoſed, That his Lordſhip ſaid, *We are all tyed to ſerve the King in our own Perſons, and they that refuſe are in little better caſe then Treaſon, and puniſhable in the* Star-Chamber. *And as he ſayes the Warrants were not his, it is evident they were by his Command.*

Mr. *Henry Cholmley.*

Mr. *Whitlock* obſerved, *That what my Lord pleads in his Juſtification, are ſufficient grounds for his Condemnation; for affirming, neceſſity abſolves the King from Rules of Government, and that ſubjects may be taxed without aſſent of Parliament, are expreſly againſt the Fundamental Laws, and a Courſe to introduce Arbitrary Government.*

My Lord deſired to ſpeak to Mr. Cholmley'*s Evidence which was new matter, which he ſaid differed from Sir* William Ingram'*s; One ſayes,* if money were not paid, it was little better, &c, *the other,* he that denies his Allegiance, *is in little better caſe than Treaſon and puniſhable; and for the aſſuming by his Commiſſion to raiſe Taxes, God forbid he ſhould ſay or think ſuch a thing, but only to call men to perform their Duty for preſervation of the King and Countrey. He offered then ſomething as to Sir* William Penyman's *Warrant, which he ſaid was iſſued by him and the Deputy-Lieutenants.*

Mr. Maynard *replyed, This was no colour of anſwer, becauſe a Man muſt ſerve in perſon, therefore money muſt be required, elſe he muſt be brought by head and ſhoulders to ſerve in perſon, and offered a Warrant of Sir* Edward Osborn's, *made upon peril of Life, and that all that can be impriſonment, levying money, charging upon peril of life, levying of Goods, hath been put upon the Subject.*

Mr. Glyn *added, That the direction was his, the execution others; that* Gogan *5. R. 2. was accuſed of Treaſon, for forcing a man to enter into Bond, which is not ſo much as forcing payments on the King's Subjects.*

Then Sir Edward Osborn's *Warrant was read, atteſted by* Mr. Cholmley *to be the Original in theſe words.*

Sir Edward Osborn's Warrant for Levying money.

WHereas His Majeſty is informed, that the Regiment under Command of Colonel Cholmley *is ſet forth with little Money, which expreſſes great diſaffection to His Majeſties ſervice, and wilful neglect of your own, and the whole Kingdoms ſafety; the Scotch Army having taken* Newcaſtle, *and being on their march towards theſe parts: Theſe are therefore to Will and require you in His Majeſtie's Name, and by His ſpecial Command, to raiſe, and cauſe to be raiſed by the Port Conſtable or otherwiſe as you ſhall think beſt, the ſumm of* 20 s. 8d. *at leaſt for each common Soldier's belonging to ſuch Towns or Pariſhes, & to ſend the ſame immediately to* York, *to be delivered to the Colonel, for Pay and Supply of the ſaid Soldiers, and likewiſe to charge and command all and every perſon and perſons, who find private Arms, or contribute thereunto, forthwith to ſend the like ſumm at leaſt to* York, *to be diſpoſed as aforeſaid; And in caſe any of them refuſe to contribute, you are required by like Command, to certifie me the Names of ſuch refuſers, that a Meſſenger may be ſent to bring them hither to ſerve in perſon, and be ſeverely puniſhed, according to the Quality of ſo high an offence, ſeeing the ſafety of His Majeſtie's Perſon, and the ſafety of the Kingdom depends on this; Fail not in the ſpeedy execution thereof, as you will anſwer to the contrary, on peril of your life. Dated the laſt of* Auguſt 1640.

Mr. *Glyn* then ſaid, *The 28 Article being ſtill behind, they are not yet reſolved whether to proceed or not; but they deſire another day to be heard, having ſomething more to ſay;* And then the Court was adjourned, and the next day appointed at 8 of the Clock.

Thus far in the Trial of this Noble Lord, I have followed the traces of the Journals, the Printed Trial by Mr. *Ruſhworth*, and a Manuſcript which I have by me, which was found in the Chamber, of a Worthy Gentleman a Fellow of Queens College in *Cambridge*, being in the times of the Perſecution hid there; for upon taking up the boards to new lay the floor of the Room, the Work-men found it; the Author, who ever he was, ſaith he was an Eye and Ear-Witneſs to the whole Tranſaction, and averrs his account in the Matters of Fact, to be juſt and Faithfull.

And therefore Mr. *Ruſhworth* having not done intire right to the Memory of that Great Man, wholly omitting the further proceedings till the ſumming up

1641.

up the Evidence by my Lord, and the Replies upon it, together with many Remarkable Circumſtances, conducing to the better underſtanding of the Management of that affair, I thought my ſelf obliged out of the Juſtice that is due to truth, to ſupply thoſe Omiſſions from the Relation of the ſaid Manuſcript, and the concurrent Teſtimonies of the Journals, and other Papers, written and printed at that time upon this Occaſion.

Thurſday, April 8.

Upon *Thurſday* the Committee of Managers having declared, that for ſome private Reaſons they would wave the Debate of the *28th* Article; Sir *Walter Earle* offered ſome obſervations upon the *22d* Article, and deſired to be heard by their Lordſhips, conceiving they would do much to ſtrengthen the Evidence, whereby they had endeavoured to prove that the Earl of *Strafford* had real deſigns of Landing the *Iriſh* Army in *England*, in Order to prove what was charged upon him, to the ſubduing of this Kingdom. Though, as my Author ſayes, had Sir *Walter* conſulted his own Reputation, which by ſo weak a Charge ſuffered more then the Earl's, againſt whom it was intended, he might with more advantage both to himſelf and the cauſe he managed, have better ſpared his endeavours. His Reaſons were theſe:

Firſt, that it appears by the Earl's Commiſſion and Inſtructions, that he had power to Land his Army either in Wales, *or in any part of* England *or* Scotland, *according to his Diſcretion; and from thence he inferred, that this Clauſe was wholly ſuperfluous, unleſs there had been ſome ſuch Purpoſe or Deſign intended. Secondly, That two dayes before the Date of the ſaid Commiſſion, Letters were diſpatched to the Earl's of* Bridgwater *and* Pembroke, *from Sir* Francis Windebank *Secretary of State, to aſſiſt my Lord of* Worceſter *in Levying Forces for the King's Service, and theſe might well be ſuppoſed to have been intended to joyn with the* Iriſh *Army upon their Landing. Thirdly, That my Lord* Ranulagh *at the raiſing of the* Iriſh *Army, had expreſſed ſome fears of ſuch a deſign and Intention, for the imploying of that Army. Fourthly, That the Town of* Ayre *in* Scotland, *where the Lord* Strafford *pretended to Land the* Iriſh *Forces, was fortified with Bullwarks, a Garriſon and a Block-Houſe, which would prohibit his landing there, and that the Barr or entrance into the Haven was very dangerous and ſhallow, That the Earl of* Argyle's *bounds were a great way diſtant, and divided from thence by the Sea. The only proof of this was the reading of the Commiſſion granted to the Earl of* Strafford.

The Earl's Defence.

To this the Earl replied, *That his Commiſſion was the ſame* verbatim, *with my Lord of* Northumberland's *for* England; *that it was drawn up by the Council-Board here, and ſent over to him; ſo that it could be no worſe deſign in him then in the Earl of* Northumberland, *Lord General of the* Engliſh *Army, nor any larger Power given him by it then to my Lord General. That as to the Letters to the Earl's of* Pembroke *and* Bridgwater, *this was the firſt time, that he ever heard of ſuch Letters, nor did they concern him more then any other Member of the Houſe; and for my Lord* Ranulagh, *he was not bound to purge him of all his fears; that he had his own fears too, which God forbid ſhould be evidence of Treaſon againſt any perſon whatſoever. That it ſeemed the Gentleman had better information from the Kingdom of* Scotland *than himſelf, yet he would be confident to ſay, there was never ſuch a thing as a Block-Houſe, nor then any Garriſon at* Aire; *but to remove all Scruples (for indeed the Road or Landing place is not there ſafe) he declared, that it was his Intention to have Landed ſome Miles* *above* Aire, *and to have made himſelf Maſter of the Town, and then to have made it a Magazine; and for the Earl of* Argyle's *Bounds, he hoped the Gentlemen knew, that they were not to come on foot out of* Ireland, *but had Ships to waſt and tranſport themſelves, and that one of the Earl of* Argyle's *prime Houſes at* Roſneth, *was within ſome few Miles of the ſame Frith.*

The Lord *Digby* ſeeing Sir *Walter Earle* on ground, did handſomly bring him off, and told the Lords, *That all their proofs for that Article were not yet ready, and that this was only a Superfœtation of the Charge, and that in ſuch a matter of Treaſon, they muſt ſometimes content themſelves to make uſe of dark Probabilities.*

Mr. *Glyn* then moved, *That the Earl might reſume his Defences and ſumm up the Charge, that ſo the Proceſs might be cloſed as to matter of Fact.*

To which the Earl replyed, *That in his Circumſtances all ſlackneſs was ſpeed enough; that the matter touched him narrowly, in no leſs then his Life and Eſtate, and which he valued much above them, his Honour and Poſterity, and he confeſſed he had no deſire to ride Poſt in an Affair of that Nature and Conſequence to him; and that he did verily believe that the Gentlemen at the Bar, if they were in his Caſe, would think all the time they could obtain little enough, except their greater Abilities and abler Judgments could ſooner diſpatch the matter then he found himſelf able to do: and therefore he humbly applyed himſelf to their Lordſhips, that, the Remainder of that day might be granted him, to recover his waſted ſtrength, and recollect his Thoughts and Spirits, and that to morrow he would make his laſt Reply for himſelf.* This was oppoſed by the Committee, as very prejudicial, Expenſive of time, and that it was only to ſpin out unneceſſary Delayes; but after above an Hours debate, the Lords thought it convenient to grant his Lordſhip that Liberty, and it was Ordered he ſhould appear the next Day.

Friday, April 9. Upon *Friday* morning about 8 of the Clock the Lieutenant of the *Tower*, and the Gentlemen of my Lord's Chamber came to the Hall, and gave Information to the Lords upon Oath, that the Earl was the laſt night taken with a Violent Fit of the Stone, and that it was impoſſible for him to make his appearance, being indeed not able to ſtir out of his Bed.

The Commons ſeemed much diſſatisfied at this diſappointment, and Mr. *Glyn* ſaid, *That it appeared rather an Effect of Wilfulneſs than Weakneſs; for otherwiſe he might have ſent a Dr. of Phyſick to teſtifie the truth of the matter.*

But the Lord Steward made anſwer, *That poſſibly a Dr. could not be procured ſo early in the morning, nor was it poſſible for any Phyſitian to give a certain Judgment concerning a man's diſability by the Stone, becauſe their is no outward ſymptom that appears.*

Mr. *Glyn* then moved, *That if he did not appear on* Saturday *morning, he ſhould loſe the Priviledg of ſpeaking any thing further in his own Defence afterwards, and that they might be permitted to proceed.*

The Lord *Steward* replyed, *That the Lords had appointed Four of their Number, to go to the* Tower, *and learn the true Cauſe of the Earl's ſtay; and that if by any means he were able, he ſhould be obliged to appear this day; if not, Humanity and Common Equity would excuſe him.*

The Commons were it ſeems very uneaſy at this delay, for reſorting to their Houſe after Noon, a Conference was reſolved upon with the Lords, the Heads of which were, *That Mr.* Pym *ſhould repreſent to their Lordſhips the pretiouſneſs of time, conſidering the great neceſſities of the Kingdom, how much time hath already been ſpent in this Tryal, and if more ſhould, how prejudicial it might prove to the Kingdom; and therefore to deſire that to morrow may be a peremptory Day for the Earl to be heard if he will come; otherwiſe that the Committee may proceed to the Replication on the whole matter; and the Earl to be abſolutely concluded, for ſaying any more to the matter of Fact.*

To this the Lords anſwered by Meſſage by Baron *Henden* and Mr. *Heath, That they have Conſidered of the Meſſage, and Reſolved, That if the Earl of* Strafford *come to morrow morning he may proceed according to the Former Order; if he comes not, that then the Commons may proceed to Summ up the Evidence as to matter of Fact, and the Earl of* Strafford *to be concluded as to matter of Fact.*

Some Lords went by Order to the *Tower,* who at their return certified, *That they found two Phyſitians with him, of whom they inquired, whether the ſtate of his health would without danger of his Life permit him to appear the next day at the Hall;* who informed them, *That he had been very ill, but yet they judged he might appear.*

In the Afternoon a Rumor was ſpread abroad the Town that he was Dead; at which, ſome who were Strangers to his Merit and Innocence, ſeemed Exceedingly to rejoyce, ſo ſtrangely doth the Fickle Genius of the Populace ſeem to delight it ſelf with the Calamities and Misfortunes even of the greateſt Perſonages, and whilſt weak underſtandings and ſtrong Prejudices filled them with Fears, Jealouſies, and apprehenſions of Dangers from the Life of this Noble Innocent, they ſeemed ſo deſirous of his Death as by their wiſhes to anticipate his Fate.

Upon *Saturday* he appeared at the Bar, expecting when he ſhould be commanded to ſumm up his Defence in order to the Commons Replication, when Mr. *Glyn* begun to offer ſome new proof concerning the 23*d.* Article; but this the Earl oppoſed alledging *the Proceſs was already cloſed, and that by the Order of the Lord's, who had given him notice that he was now to anſwer and make his laſt Defence as to the Charge in matter of Fact, or otherwiſe to be concluded.* *Saturday, April* 10.

Mr. *Glyn* replied, *That the Proceſs was not cloſed ſo long as the evidence was not ſummed up, and that it did not become a Priſoner at the Bar to preſcribe a method to the proceedings of the Commons of England.* To this the Earl anſwered, *That he thought it ſtood him in hand as nearly to defend his life, as it did any perſons to purſue it; Yet he was willing they ſhould bring in new Proofs, provided that he were allowed the Liberty to make replies, and make uſe of ſome new Witneſſes in ſome Articles that concerned his Juſtification.*

The Lord *Newark* upon this conteſt moved *that the Lords might Adjourn to their own Houſe, to take theſe things into Conſideration;* which they did accordingly, and the matter being ſtrongly Debated, the Judges Opinions were conſulted in it, and upon conſultation gave this Reſolution, *That according to the Courſe and Practice of Common Juſtice before them in their ſeveral Courts, upon Tryals by Jury, ſo long as the Priſoner is at the Bar, and the Jury not ſent away, either ſide way give their Evidence, and Examine Witneſſes to diſcover Truth.* The Judges Opinion.

After

1641. After near two hours ſtay, the Lord's returned, and the Lord Steward commanded the Order, which they had agreed upon, to be read; which was to this effect.

That it was granted to the Committee for the Commons to bring in new Proof concerning the 23d *Article, ſo they conceived in Juſtice they could not deny the Lord* Strafford *liberty to make his reply and examin Witneſſes; and that if they were ready, he ſhould produce them; And that if they went to no other Articles, neither ſhould his Lordſhip; but if they did, that then he might have the ſame freedom according to Common Juſtice to offer what he had further to any other Articles.*

The Committee conſtrued the Order in favour of themſelves, and declined all the other Articles except the 23*d*, concluding, *that the Earl was reſtrained by it from all Articles but that.* On the other ſide he ſaid, *That he conceived the Order was for him, and that ſince they had pick't out their Article it was againſt Common Equity to tye up his hands, and not admit of a Common Rule for them both.*

They replyed, *That when that Article was proſecuted, they had reſerved their further Witneſs till another time.* He anſwered, *That he had done the ſame upon every Article, the time for procuring his Witneſſes from* Ireland *being ſo ſhort.* To which they returned, *That the Houſe had refuſed his Reſervation.* He anſwered, *Nor had they paſſed any Order for theirs.*

Upon this new Conteſt, the Lords adjourned again to their own Houſe, and after two Hours hot Debate between themſelves, they returned, and the Order was read to this Effect, 1. *That either both of them ſhould wave the new proofs, and go immediately to what follows in the Proceſs; or Secondly, if they declined that, the Lord's conceived themſelves common Judges to both, and ſo would not deny the Lord of* Strafford *the liberty of pitching upon what Articles he pleaſed as they had done; or Thirdly, That both of them ſhould name their Witneſſes inſtantly at the Bar.*

At this the Commons ſhewed great diſſatisfaction, yet they deſired the Earl *to name his Witneſſes, if he would receive any benefit of the Order.* He anſwered, *That he would nominate after them in regard they were firſt in the Order.* They replyed, *That he knew their Article, they did not know his*; He ſaid he would bring proofs about the 2. 5. 13. and 15. Articles, and deſired, *that they would proceed to the Nomination.* But they told him, *They could not ſubmit to the Order without the advice of the whole Houſe.*

Then ſuddenly a mighty Noiſe followed of the whole Houſe of Commons, calling out *Withdraw, Withdraw*; which they did with thoſe Eminent Symptoms of diſpleaſure, and in that Tumultuary Confuſion, that it produced fear and wonders in the Spectators; for both the Houſes broke up without ſo much as adjourning the Court, or appointing the next time of Meeting; nothing but anger and reſentment ſeemed to ſit upon mens faces, and a certain diſmal Expectation of the Effects of a diſtempered State.

The Violent men of the Houſe of Commons who Proſecuted the Earl, began now to apprehend they might meet with a Diſſappointment in their Expectations, and that the Earl did not ſtand ſo Criminal in the apprehenſions of the greateſt part of the Lords, as they had endeavoured to render him, but that ſome Beams of Innocence began to ſhine from him, even under the black Clouds which they had raiſed againſt

1641.

againſt his Reputation ; and judging after all this Noiſe of High Treaſon which they had raiſed, and which filled the moſt obſcure Corners of the Nation,& was become the great expectation of the World, that if he ſhould come to be cleared by the ſuffrage of his Peers, not only his Glory and Reputation would appear more bright, by ſo black a foil, but their Reputation and Intereſt muſt for ever ſet and ſink in the Opinion of the vulgar, who are apt to Meaſure Actions by their ſucceſs; and Conſequently that this would give ſuch a blow to their yet Infant Deſigns, as muſt render them abortive in their very *Embrio*; therefore no ſooner were they retired in the forementioned diſorder and heat, but they fell upon a new Method to effect the Ruin of this Great Man. That which they pretended was deſigned to be offered as further proof of the 23*d* Article, and wherein they thought the Lords had not done them Juſtice, was a certain Paper which Sir *Henry Vane* Jun. pretended to have found in his Father's Cabinet, being a Note or ſhort Memoires, of what paſſed at a *Junto* of the private Committee for the *Scotch* affairs, charging the Earl of *Strafford*, Lord Arch-biſhop of *Canterbury* and Lord *Cottington* with an intention then mentioned of bringing in the *Iriſh* Army, and full of pernicious counſell to the King, and ſlanderous words againſt the Commons in the laſt Parliament. This pretious Relique Sir *Henry* diſcovered to Mr. *Pym*, whereupon a Bill of Attainder, which Mr. *Pym* had ready for the Purpoſe was immediately voted to be read, and ſo eager were they upon the Chace, that contrary to Parliamentary Cuſtom and Reaſon, which in things of moment ought to govern by that ſtanding Rule, *Deliberandum eſt diu quod ſtatuendum eſt ſemel*, it received a ſecond reading.

Sunday now proved no day of reſt, the concerned were buſie to ſpread terrors and affrightments in the minds of the People, all the diſcourſe was of the Breach like to enſue between the Two Houſes, and licentious Tongues were not ſparing to declare; *That ſince the Houſe of Commons had voted the Bill of Attainder, they would alſo declare all his adherents Traitors.*

Many big words were ſpoken, and it was reported that ſome of the Nobility ſhould ſay, *That it was unnatural to have the Head governed by the Members; that they hated Rebellion no leſs than Treaſon ; hat the ſame blood which Ennobled their Anceſtors, run alſo in their Veins, and they would never permit themſelves to be ſuppreſſed by a popular Faction.*

And certainly many of the Lords began to ſee through the Diſguiſe, and that they could not Condemn the Earl of *Strafford* in the Legal way of Procedure upon Conſtructive, or as it was then called, accumulative Treaſon, but they muſt let looſe ſuch a furious Lion as would devour them, and their Poſterity ; and this was the fear of the Earl's Enemies, for had it come to a Period upon the Trial, it was the General belief he would upon the Honour of the Peerage have been found Not Guilty.

However it happened, the Difference was at laſt compoſed at a Conference ; the Lord Steward acquainting them, *That their Lordſhips are reſolved the Commons may proceed as formerly was intended before the offer of further Evidence to be propounded ; the Earl of* Strafford *to recollect his Evidence firſt, and that being done, the Members of the Houſe of Commons to ſtate their Evidence ; and this to be done to morrow morning, whereof they will give the Earl of* Strafford *Notice.*

Accordingly upon *Tueſday April* 13. the Lord *Strafford* being brought to the Hall, and ſtanding at the Bar, The Lord High Steward informed him, *That the Lords do Expect his Lordſhip ſhould ſumm up the Evidence,*

Tueſday, April 13.

dence, as the Gentlemen of the Houſe of Commons ſhould do theirs, for the cloſe of the proofs of the matter of Fact, deſiring him to do it with all the brevity and clearneſs he could. The Earl humbly moved *clearly to underſtand what was expected from him, and whether new matter might be alledged on either ſide?* The Lord Steward replying, *That if there be any new matter, God forbid but they might alledg it.* The Earl anſwered, *That he was in all things ready to manifeſt his Obedience to their Lordſhips, and will offer no new matter unleſs it ariſe from the other ſide.*

And then he proceeded to ſumm up his Evidence as followeth.

May it pleaſe your Lordſhips.

The Earl of *Strafford's* Summary of the Evidence.

IT falls to my turn, by your Lordſhips leave and favour, to preſume to put you in mind, and to repreſent to you, the Proofs, as they have been offered, which I ſhall do to the beſt of my Memory, with a great deal of Clearneſs. I ſhall deſire to repreſent them neither better nor worſe, then they are in themſelves, and, I wiſh, the like Rule may be obſerved on the other ſide; For, in the proceeding of this Cauſe, I heard them alleadge, that, as they conceived, divers Articles were fully proved; Whence I conceive, there was nothing fully Proved.

My Lords, my Memory is weak, my Health hath been impaired, and I have not had ſuch quiet thoughts, as I deſired to have had, in a buſineſs of ſo great and weighty importance to me: And therefore I ſhall moſt humbly beſeech your Lordſhips, that by your Wiſdom, your Juſtice and Goodneſs, I may be ſo much bound to you, as to have my Infirmities ſupplyed by your better Abilities, better Judgments, and better Memories.

My Lords, The Charge I am to Anſwer, is a Charge of High-Treaſon; and, that which makes it the moſt grievous of all, it is an Impeachment of Treaſon from the Honourable Houſe of Commons: Were not that in the Caſe, my Lords, it would not preſs ſo heavy and ſore upon me, as now it doth, having the Authority and Power of their Names upon it; Otherwiſe, my Lords, the Innocency, and the Clearneſs of my own heart from ſo Foul a Crime, is ſuch, that I muſt with Modeſty ſay, if I had no other ſin to anſwer for, it would be eaſily born.

My Lords, as I went along *Article* by *Article*, Theſe Gentlemen were pleaſed to ſay, They were no Treaſons in themſelves, but Conducing to the Proof of Treaſon: and, moſt of the *Articles* being gone over, they come to the Point at laſt. And hence, my Lords, I have all along watched, to ſee if that I could find that Poyſoned Arrow, that ſhould Invenome all the reſt; that Deadly Cup of Wine, that ſhould intoxicate a few alledged Inconveniences, and Miſdemeanors, to run them up to High Treaſon.

My Lords, I confeſs it ſeems very ſtrange to me, that there being a ſpecial difference between Miſdemeanors, and between Felonies and Treaſons; How is it poſſible that ever Miſdemeanors ſhould make Felonies, or a hundred Felonies make a Treaſon? Or, that Miſdemeanors ſhould be made Acceſſaries to Treaſon, where there is not a Principal in the Caſe? No Treaſon, I hope, ſhall be found in me, nor in any thing I hear to be charged, under favour, and not waved.

They ſay well, That if a man be taken threatning of a man to kill him, Conſpiring his death, and with a Bloody Knife in his hand, theſe be great Arguments to convince a man of Murder. But then, under favour, the man muſt be killed; for, if the man be not killed, the murder is nothing. So, all theſe things that they would make conduce to Treaſon, unleſs ſomething be Treaſonable, under favour, they cannot be applyed to Treaſon.

My Lords, I have learnt that in this Caſe, which I did not know before, that there be Treaſons of two kinds; there be Statute-Treaſons, there be Treaſons at Common-Law, or Treaſons Conſtructive and Abritrary.

My Lords, Theſe Conſtructive Treaſons have been ſtrangers in this Commonwealth a great while, and, I truſt, ſhall be ſtill, by your Lordſhips Wiſdom and Juſtice: But, as for Treaſons in the Statute, I do, with all gladneſs and humility acknowledge your Lordſhips to be my Judges, and none but you, under favour, can be my Judges: His Majeſty is above it, the King Condemns no Man: the great operation of His Scepter is Mercy; His Juſtice is diſpenſed by His Miniſtery;

niſtry; ſo He is no Judge in the Caſe (with Reverence be it ſpoken:) and likewiſe no Commoner can be Judge in the Caſe of Life and Death, under favour, in regard he is of another Body: So that, my Lords, I do acknowledge entirely, you are my Judges, and do, with all chearfulneſs in the World, ſubmit my ſelf unto you; thinking, that I have great cauſe to give God thanks, that I have you for my Judges, and, God be praiſed it is ſo; and, Celebrated be the Wiſdom of our Anceſtors that have ſo ordained it.

My Lords, I ſhall obſerve theſe Rules; Firſt, I ſhall (as I hope) clear my ſelf of Statute Treaſon, and then ſhall come to Conſtructive Treaſon, or Treaſon at the Common-Law.

The firſt point they Charge me withal of Treaſon, is upon the Fifteenth *Article*; Wherein nevertheleſs, before I come to Anſwer the particulars, I muſt humbly inform your Lordſhips, that, in that *Article*, two of the moſt material Charges are waved in the firſt part; that piece of the Charge that ſounds ſo high, concerning a Miſcarriage in me, in Levying Money upon the Town of *Baltemore*, *Bandenbridge*, *Talow*, of that I hear nothing, and I ſhall mention it only thus farr, humbly to remember your Lordſhips, that, in that particular, I truſt I have ſpoken nothing, that ſhould merit leſs belief of your Lordſhips: For my part, it is far from me, to put you upon any prejudice, by any means whatſoever; I look onely to the preſerving of my ſelf, if it may be without prejudice and hurt to any living Soul.

Then they likewiſe wave another piece of the Charge, and that is, that I ſhould, by force of Arms, diſpoſſeſs divers perſons in the Territory of *Idengh*; and well they may, for, in truth, there is nothing at all of it that I am to Anſwer, it being wholly done by the Order of *Chancery*, and I having no more to do with it, than any man that hears it: the Matter that ſtays with me in this *Article*, is, the alleadged Warrant to Mr. *Savill* Serjeant at Arms, and the Execution of it, for that I ſhall humbly beſeech your Lordſhips, I may mind you, with all humility, that that Warrant is not ſhewed; and, I do think, that my Lords the Judges do, in the Tryals before them, obſerve, that Deeds are to prove themſelves in ordinary Tryals, betwixt Men and Men; Now, how much more in a Tryal for life, and, which is more than that (though my Misfortune will have me to own it) in the Tryal of a Peer?

The Witneſſes, my Lords, ſay, They have ſeen ſuch a Warrant; But, no Witneſs ſayes, he knows it, and will Swear it to be my Hand and Seal; or, that I ſet my Hand or Seal to it; for, it may be Counterfeited, for any thing they know.

For Mr. *Savill*, upon Oath, I thought (under Favour) he ought not to be admitted againſt me; for, he Swears directly to juſtifie himſelf: for if there be no ſuch Warrant, he is anſwerable for the Fact, not I. But, my Lords, admit there were ſuch a Warrant, I humbly conceive, I gave your Lordſhips a very clear and full Anſwer to it; I ſhewed you (and proved it, as *I* conceive) that the Seſſing of Soldiers hath been a Coercive means uſed in *Ireland* always, to enforce obedience to the King's Authority; I proved it to have been uſed, to fetch in the King's Rents of all kinds, Contributions, Compoſitions, and Exchequer Rents; I proved it to have been uſed, to bring in Offenders and Rebels, and (as my Lord *Ranalagh* depoſes) for any Unjuſtifiable Act. Sir *Arthur Terringham*, for a ſmall Debt, which appears not to be the King's Debt; My Lords, nothing at all is proved againſt it, but Negatively, the Witneſſes ſay, they did not know ſuch a thing, they had not heard the like; and, I think, none of your Lordſhips had, before this Cauſe; and yet that thing might be too.

And, my Lords, I beſeech your Lordſhips, How ſhould it be not Treaſon, to Aſſeſs Soldiers for the King's Debts, and yet the Aſſeſſing of Soldiers, on the Contempt of the King's Authority, ſhould be Treaſon? for certainly the King's Authority is of far more Dignity, and more reſpect is to be had to it, then the getting of a few poor Debts; and, why it ſhould be Treaſon in one Caſe, and not in another, methinks it is very ſtrange.

My Lords in the next place I conceive, not in that any Conſtruction this can be ſaid to be a Levying of War againſt the King and his People, being but the Imployment of two or three Soldiers, to procure obedience to His Majeſtie's Government: becauſe (as I conceive likewiſe) I had Commiſſion to make War as I ſaw

1641. Cauſe, for puniſhing the Rebels, and ſecuring the Publick Peace; and therefore, How can I be charged with that I have power to do?

The worſt that can be made of it, is, an abſurd execution of a Power; but, to make it Treaſon when I had Commiſſion and Liberty ſo to do, methinks that is very hard: And, it was no abſurd execution of a Power, under favour neither, when I had the Precedent of all the former Deputies and Lieutenants in the Caſe.

My Lords, it was never Complained of all the while I was there, for ought appears to your Lordſhips; ſo, that it ſeems there was no great Innovation, nor Inconvenience, for, if there were, I ſhould have heard of it.

But, the Statute 11. *E.* 1. *ca.* 7. ſets a penalty upon any Subject, that ſhall Aſſeſs without the Deputies Authority. Now I do moſt humbly beſeech your Lordſhips, that you would be pleaſed to remember that, and let me know how it ſhould be but Penal in a Common perſon to do it, and yet Treaſon in a Deputy?

My Lords, I ſhall likewiſe humbly mind your Lordſhips of the Statute, or rather two Statutes, as I take it, whereby I conceive this Statute, that made a Treaſon in *Ireland* was repealed; But, howſoever, the practice in all time hath gone quite contrary to that Statute, and the beſt Interpretation of Law is the Practice of Law; and therefore the Practice having been otherwiſe, it is an Argument very ſtrong and prevalent, that the Deputy as Chief Governour, was never intended to be Concluded within that Act, nor never to be brought in by General Words onely.

And, that this ſhould be a Levying of War againſt the King, within the Statute of 25 *E.* 3. in *England*, ſurely I conceive it cannot be; for, the Burning of Towns, the Taking of Forts, Killing and Slaying, that I conceive to be Levying of War; but, this is a ſtrange Levying of War, with two or three Soldiers to reſt in Peace and Quietneſs, eating on Contemners only (and not Killing and Slaying) and all to procure Obedience to the King, not in Diſobedience to his Command. If to lie upon them and eat, be High-Treaſon, in this Caſe, What ſhall become of a great Company of good Fellows, that at this time eat at the Charge of the Country?

No, My Lords; This, in the Caſe of a private Man, had been but a Forcible Entry, or a Ryot at the moſt, if a man had done the ſame thing Mr. *Savil* did of his own Authority, without the Deputy, it had been but a Force and Ryot; and, How ſhall this be in my Caſe High-Treaſon?

The next Charge, in that Caſe, is, concerning a Warrant to one *Piggot*, another Serjeant at Arms, and the great and crying Miſcarriages and Miſimployments of ſuch a Warrant, if there had been any, it was when I (as your Lordſhips may pleaſe to remember) was out of *Ireland*, and that was the Caſe of *Bern*, a very Foule Miſdemeanor, as it proved. But, My Lords, I being out of the Kingdom, and no ſuch Warrant ſhown, I conceive I am abſolutely diſmiſſed as unto that, and have nothing to anſwer for it: there was nothing done while I was in the Kingdom: there is no Warrant of mine ſhown: therefore, I conceive, I ſtand clear of that likewiſe.

But admit there was ſuch a Warrant, the Anſwer goes to that as to the reſt; and certainly, I hope, will fully acquit me of this Fifteenth Article, as Treaſon; And ſo I muſt, in humility, ſubmit to your Lordſhips wiſer and better Judgments.

The next Statute-Treaſon, is an Intendment, or Deſign, or what you will have it, for bringing over the *Iriſh* Army into this Kingdom, to reduce it, or to do I know not what, nor I think no body elſe, for there is no ſuch thing.

But, My Lords, for proof in this Caſe, you have two offered there, and no more, under favour, at all: the firſt proof is the Fears and Doubts of my Lord *Ranulagh*, that tells you, he Fears ſuch a thing, and Doubts ſuch a thing. My Lords, if Fears and doubts may be ſufficient to Condemn me for Treaſon, By my Faith, I fear, and Doubt very much, theſe Fears and Doubts might Accuſe me, and Condemn me of Treaſon more then once a Year; But, my Lords, his Fears and Doubts, he may keep to himſelf, I hope they ſhall not be brought any way to the prejudice of me; I am, I thank God, both confident and knowing there is no ſuch thing.

The next is the Teſtimony of Mr. Treaſurer *Vane*; and, the Words Mr. Treaſurer doth Witneſs againſt me in that particular, are, as I conceive, theſe; that I ſhould ſay to His Majeſty, in an Argument concerning an Offenſive or Defenſive War with *Scotland*; Your Majeſty hath tryed all wayes, and are refuſed, and, in this extream neceſſity, for the ſafety of the Kingdom, and Your People, You may imploy the *Iriſh* Army to reduce this Kingdom.

My Lords, To this I ſay, that (under favour) Mr. Treaſurer was in this (methoughts) a little Dubious; he was ſomething doubtful; for, at the firſt, he told your Lordſhips, he would deal plainly and clearly with you; that he knew before whom he ſpoke: and then, my Lords, it was but to the beſt of his Remembrance, that theſe, and theſe words were ſpoken. At the laſt, my Lords, being put to it more, he was pleaſed to ſay, that theſe were poſitively the words, or ſomething to that effect: So, my Lords, here is but a dubious and uncertain Witneſs, under favour, and theſe profeſſions of his ſpeaking clearly and plainly, and of his Conſideration before whom he was (which are ſomething unuſual Clauſes to Men, that come to Swear upon Oath) make me conceive him ſomething Dubious in this point.

Secondly, My Lords, he is a ſingle Witneſs, and not only ſo, but, under favour, diſavowed by all the reſt that were preſent at the Council; My Lord of *Northumberland* remembred no ſuch thing; My Lord Marqueſs of *Hamilton* remembred no ſuch thing; My Lord Treaſurer remembred no ſuch thing; my Lord *Cottington* is very well aſſured he ſaid no ſuch thing, for if he had, he ſhould have taken offence at it himſelf, which he never did.

My Lords, in the *Third* place, He is pleaſed to mention, That it was in a Debate, Whether an Offenſive or Defenſive War? and, that then I ſhould ſay, The King had an Army in *Ireland*, &c. My Lords, it falls out in time, to be as I conceive, about the 5th of *May* laſt, not many dayes ſooner or later, the Army of *Ireland* was not raiſed till *June* following. So it ſeems, I ſhould tell the King a great untruth; that he had an Army in *Ireland*, which he might imploy for His Service, before that Army was raiſed; for, it is a notorious thing; and any of that Country knows, that the Army was not raiſed till the Fifteenth of *June* as I remember.

Laſtly, in farther taking away of this Teſtimony, I have proved it, by a great many Witneſſes, beyond all exception, that there was never any ſuch intendment of the bringing this Army into *England*, nay, that the Deſign was quite otherwiſe, and this hath been apparently cleared before your Lordſhips, By the Teſtimony of my Lord of *Northumberland*, Marqueſs of *Hamilton*, Sir *Thomas Lucas*, and Mr. *Slingsby*, And might have been further juſtifi'd, by the Teſtimony of my Lord of *Ormond* Preſident of *Munſter*, and Sir *John Burlace*, Maſter of the Ordnance in *Ireland*, if they had been here to have been produced: So that all theſe laid together, the ſtrong and clear proof on my part, the producing of a ſingle Witneſs, which, by the Proviſo of 1 *Edw*. 6. cannot riſe in Judgment againſt any man for High-Treaſon. I truſt, all theſe laid together, I ſhall appear to your Lordſhips clear and free from theſe two points, whereupon they enforce me to be within the compaſs of Treaſon by the Statute alleadged.

The Third Treaſon that is laid to my Charge, is upon the 27*th Article*, where Four Muſquettiers being ſent to *Egton*, by Sergeant Major *Yaworth*, to call for their Eight pence a day, is preſt upon me, as a Levying of War upon the King and His People, and to be High-Treaſon upon the Statute of 25 *E*. 3.

Theſe be wonderful Wars, if we have no greater Wars then ſuch, as four men are able to raiſe, by the Grace of God we ſhall not ſleep very unquietly. But, How do they prove this to be done by me? they produce to your Lordſhips the Warrant of Sir *William Pennyman*; but, had no Warrant at all of mine to ſhew.

Sir *William Pennyman* doth not alledge any Warrant of mine to that purpoſe; he ſpeaks of a General Warrant, wherein I and the Deputy-Lieutenants joyn, for the paying of the Fortnights pay, as they call it, and that is very true; but, that I ſhould give Warrant to Levy by Soldiers, no ſuch thing is proved; no ſuch thing is ſhewed; no ſuch thing is alleadged by Sir *William Pennyman*, that beſt knew it; and, ſhould do it in his own Juſtification, if there were ſuch a thing: but, on the other ſide, I muſt humbly beſeech your Lordſhips, to mind you what a clear and full proof I made thereof to you, till you were weary, though, I think,

1641. I could have continued it a year longer if need had been, that there was nothing done by me in the Levying of the firſt Months pay, or the ſecond Fortnights pay, but with full conſent of the Country, nothing being of Conſtraint, nothing being of force put upon them.

The Second Point was a Warrant ſhewed to your Lordſhips, or at leaſt pretended from Sir *Edward Osborne* the Vice-Preſident, wherein he charges them to obey and perſue the ſubſtance and direction of his Warrant, on pain of Death; and this muſt likewiſe be laid to me: My Lords, I confeſs I have faults enough, more than a good many, though I truſt neither ſo crying nor grievous, as ſome would pretend them to be; but, Faults I have, more then too many, I need not take nor add to my ſelf other Mens; but, whether this be a Fault or no, I cannot undertake to Judge. But certainly, I am in no Fault: for, I was at——when this Warrant iſſued from Mr. Vice-Preſident; and, I dare ſay, he is a Gentleman ſo worthy and noble, and ſo great a Lover of Truth, that let him be examined upon Oath, if he ſhall not abſolutely clear me from Privity or Direction of it, I ſo much rely on him, that I will be thought Guilty before your Lordſhips for this Charge: Now, my Lords, having gone over all that firſt part, which I thought fit to apply my ſelf to, and that is Statute-Treaſon, There is no Statute-Treaſons in the whole Charge, nor colour or pretence thereof, ſave onely that of *Newcaſtle* which was waved.

In theſe, my Lords, I hope I am clear before your Lordſhips; and, ſure I am, they give me little diſquiet, for, in good faith, I am clear in my own poor Judgment.

Then comes in the ſecond Condition of Treaſon in the Charge, and that is Conſtructive Treaſon; and, it is laid down in the firſt *Article* of the General Charge.

For, my Lords, I muſt tell you, the Firſt Articles, exhibited, are Grounds and Foundations whereupon the reſt are gathered, and to which they reſort and apply themſelves ſeverally.

I do conceive my ſelf, in a manner, by themſelves, clear of ſeven of theſe, for, they have, in a manner, relinquiſhed Five of them; So that the Firſt Article is the main Article whereupon I muſt be touched, and that is laid in the Charge thus: That I have Trayterouſly endeavoured to ſubvert the Fundamental Laws and Government of the Realms of *England* and *Ireland*; and have, by Trayterous Words, Councils, and Actions, declared the ſame; and have adviſed His Majeſty to Compel his Subjects, to ſubmit thereunto by force.

My Lords, I muſt confeſs I have many times with my ſelf conſidered with wonder, at the Wiſdom of our Anceſtors, that ſet the Pillars of this Monarchy with that ſingular Judgment and Providence, that I have ever obſerved, that ſo oft as either the Prerogative of the Crown, or Liberty of the Subject, *Eccleſiaſtical* or *Temporal* Powers exceed thoſe modeſt bounds ſet and appointed for them, by the ſobriety and moderation of former times, the exerciſe of it over-turn'd to the Prejudice and to the Detriment of the Publick Weale; all the Strings of this Government and Monarchy have been ſo perfectly tuned through the skill and attention of our Fore-Fathers, that if you wind any of them any thing higher, or let them lower, you ſhall infallibly interrupt the ſweet accord, that ought to be entertained of King and People.

With this Opinion I had the honour to ſit many years in the Commons Houſe; and, this Opinion I have carry'd along with me exactly and intirely for Fourteen Years in the King's Service; ever Reſolving in my heart *Stare ſuper vias antiquas*, to promote; with equal care, the Prerogative of the Crown, and the Liberty of the Subject, to Introduce the Laws of *England* into *Ireland*, ever ſetting before my ſelf a Joynt and Individual well-being of King and People (for either they muſt be both or neither) which made my Misfortune the greater to be now in my Gray Hairs charged, as an under-worker againſt that Government, a Subverter of that Law I woſt affected, and a Contriver againſt that Religion, to the truth whereof I would Witneſs by the Sealing of it with my Blood.

My Lords, As to the latter part, concerning my Religion, they have quitted me; and I have nothing to anſwer to that, becauſe it is waved; and, I truſt, my Lords, I ſhall clear my ſelf in the firſt part, concerning my being a Subverter of the Fundamental Laws, that I ſhall ſtand clear to your Lordſhips Judgments in that Caſe.

My Lords, This Subverſion muſt be by Words, by Councils, and by Actions in *Ireland* and in *England*.

My Lords, I ſhall firſt give you an Accompt of the words, wherewithal I am Charged forth of *Ireland*; and, the firſt words are in the Third *Article*, where I am Charged to have ſaid, *That* Ireland *is a Conquered Nation, and that the King may do with them as he pleaſeth.* And, to the City of *Dublin*, *That their Charters are nothing worth, and bind the King no farther than he pleaſeth.* Theſe are the words Charged.

My Lords, methinks it is very ſtrange, under favour, that this can be made an Inducement to prove this Charge, becauſe I ſaid, That *Ireland* is a Conquer'd Nation, therefore I endeavour to ſubvert the Fundamental Laws when I ſpeak the Truth, for certainly it is very true, it was ſo.

My Lords, under favour, I remember very well, there was as much ſaid here at this Bar, ſince we began; and yet I dare well Swear, and acquit him that ſpake it, from intending to Subvert the Laws.

For, my Lords, you were told, and told truly, *That* Ireland *was a Conquered Nation, and that it was Subordinate to* England, (and, God forbid that it ſhould be otherwiſe) *and that they have received Laws from the Conqueror.*

My Lords, the words teſtified by my Lord *Gormonſtone* and *Kilmalock* to be ſpoken, are not the words wherewith I am charged, and ſo, under favour, I conceive, cannot be brought to my prejudice, as to this Tryal, and they are words that are denied by me.

For my words concerning their Charters, your Lordſhips remember very well, I doubt not, wherefore I ſaid they were void, For their miſuſe of them, and that I told them ſo, not with the intent to overthrow their Patents, or Charters, but to make them more conformable to thoſe things, that the State thought fit, for encreaſe of Religion and Trade, and encouraging and bringing *Engliſh* into that Town; And, that it was meant ſo, and no otherwiſe: Whatſoever was ſaid, it appears by this, their Charters were never touched nor infringed, nor medled withal by me, during the time I was in that Kingdom; ſo that words ſo ſpoken, and to ſuch a purpoſe, that they ſhould go to prove ſuch a Concluſion, I conceive there is great difference betwixt thoſe Premiſes, and that Concluſion.

The next Charge for words in *Ireland*, is in the Fourth Article, where I am Charged to have ſaid, *That I would neither have Law, nor Lawyers Diſpute or Queſtion my Orders*: and, *that I would make the Earl of* Cork, *and all* Ireland *know, That as long as I had the Government there, any Act of State ſhould be as binding to the Subjects of that Kingdom, as an Act of Parliament.*

My Lords, I humbly beſeech your Lordſhips to give me leave to ſay for my ſelf, that theſe words of the Charge are only ſworn by my Lord of *Corke*, and no man elſe: and, his Lordſhip appeared a little miſtaken the other day in one point, on the Reading of an Order of the Council-Board, for ſo it appears, as I conceive; ſo that for one ſingle Witneſs, and he the Party Aggrieved by theſe words, to be the Man that muſt convince me, I conceive your Lordſhips will not think that to ſtand with the ordinary Rules of Proceeding.

For the reſt, to ſay *Acts of State in* Ireland *ſhould be binding, ſo long as they are not contrary to Law*, I confeſs I then conceived it had been no Offence, for I thought them to be as binding, being not contrary to Law; but, the Elder we grow, the wiſer we may grow, If God give us the Grace, and Attentions; and, ſo I truſt I ſhall, by theſe Gentlemen, that have taught me to forbear thoſe kind of Speeches hereafter.

My Lords, Theſe are all the Words charged againſt me for *Ireland*, ſaving only ſome things that I ſhall come to anon, that is Charged upon me in one of the latter Articles, concerning *Scotland*; I ſay, my Lords, theſe are all the Words that have ſlipped from me in Seven years time, having been well watched, and obſerved, as your Lordſhips may perſwade your ſelves I have been; But, in ſeven years time, I ſay, theſe are all the words brought to my Charge: and, in truth, I conceive, a wiſer Man then my ſelf might be forgiven for one Error, or ſlip of his Tongue of that Nature in a years time, ſeeing it is no greater meaſure, God be praiſed, than theſe are.

My Lords, theſe being the words that paſſed from me in *Ireland*, there are other words that are charged upon me, to have been ſpoken in *England*; but if your Lordſhips will give me leave (though perhaps in no very good method) I ſhall not fail to touch firſt or laſt, the words in every *Article*.

The next *Article* then that I am charged withal for words, is the ſecond *Article*, and theſe are the words that I ſhould ſay, concerning the *Finger and the Loins*.

My Lords, I may alledge much new matter, but I will obſerve your Lordſhips Order punctually, by the Grace of God, for what I may ſay in that caſe, if it might be admitted, I keep it to my ſelf; but the truth is, they that do prove the words to be thus, *That I would make the little finger of the Law, heavier then the King's Loins*; they do not tell you the occaſion of the Speech, or what went before, or what after; for my Lords, if they had told the occaſion (which methinks they ſhould as well have remembred as the words) it would plainly and clearly have appeared to your Lordſhips, that Sir *William Pennyman*'s Teſtimony was moſt true, for the occaſion was ſuch, that to have ſaid thoſe words, had been to have ſpoken againſt that to which I intended the diſcourſe; but ſpeaking them as I ſaid, it makes very ſtrong for that purpoſe, to which I directed them; which was to appeaſe the Countrey, and quiet the Diſcontents; for having been double charged with the Knight-money, and therefore it was not proper by threatning them, further to have provoked them.

My Lords, you have Sir *William Pennyman*'s Teſtimony, that it was ſo, and my profeſſion; who (under favour) will not ſpeak an untruth to ſave my life; I proteſt before God, that I ſay, I verily believe, or elſe I will never ſpeak it indeed, and there it is they have proved it to have been ſaid one way, we another way, we give the occaſion of our Speech, and diſavow theirs, and ſo we muſt leave it; and howſoever, theſe words ſo ſpoken, can never be drawn (as I humbly conceive) as Premiſes to prove their Concluſions, that therefore I am guilty of High Treaſon, they have made me guilty of a fooliſh word, and that I confeſs, and if they pleaſe, I will confeſs it all the day long; for I have been fooliſh all the days of my life, and I hope hereafter I ſhall look unto my ways, that I offend not with my Tongue, for if I cannot rule it abroad, I will rule it within doors, elſe I will never ſtirr abroad, but bound it ſo to my own buſineſs and affairs, that I truſt I ſhall give no offence.

The next *Article* that chargeth me with words, is the 22d *Article*, and theſe be words ſpoke in *England*; The firſt part of them, which concerns the bringing in of the *Iriſh* Army, I have ſpoken to already; but in the concluſion there are other words, *and ſhortly, the ſaid Earl of* Strafford *returned to* England, *and to ſundry perſons declared his opinion to be, That His Majeſty ſhould firſt try the Parliament here, and if that did not ſupply him according to his occaſions, he might then uſe his Prerogative as he pleaſed, to levy what he needed, and that he ſhould be acquitted both of God and Man, if he took ſome other courſes to ſupply himſelf, though it were againſt the will of his Subjects.*

My Lords, as unto this, I conceive the Charge is not proved by any Witneſs, that hath been here produced againſt me; and in truth my Lords, I muſt needs ſay this, under favour (if it be an error in my Judgement, I muſt humbly crave your Lordſhips pardon) through the whole Cauſe I have not ſeen a weaker proof, and if I had had time to have gotten my Witneſſes out of *Ireland*, I hope that ſhould be proved, and ſo clearly, as nothing could be proved more; but I muſt ſtand or fall to what I have proved, and ſo I do my Lords; the proof they offer for this (as I conceive) is the Teſtimony of my Lord Primate, and his Teſtimony is, That in ſome diſcourſe betwixt us two, touching Levying upon the Subject in caſe of imminent neceſſity, he found me of opinion, *That the King might uſe his Prerogative as he pleaſed.* My Lords, this is (under favour) a ſingle Teſtimony, it is of a diſcourſe between him and me, and there is not any other that witneſſes any thing concerning it, ſo that (under favour my Lords) I conceive this will not be ſufficient to bring me any ways in danger of Treaſon, being but a ſingle Teſtimony; and my Lords, it is to be thought, and to be believed (and it were a great offence for any man to think otherwiſe) that in this caſe any thing can pleaſe the King (he is ſo Gracious and Good) but what ſhall be Juſt and Lawful, and then there is no doubt, but ſo far as with Juſtice and Lawfulneſs, he may uſe his Prerogative in caſe of imminent danger, when ordinary means will not be admitted.

At moſt, he ſaith it was but an opinion, and opinions may make an Heretick, but they ſhall not, I truſt, make a Traitor.

The next is the Teſtimony of my Lord *Conway*, and the words that his Lordſhip teſtifies are theſe; *That in caſe the King would not be otherwiſe ſupplyed by Subſidies, he might ſeek means to help himſelf, though it were againſt the will of his Subjects.* Truly, my Lords, if I ſhould acknowledge theſe words, I do not ſee how they can be any way Capital in my caſe; but this again is but a ſingle Teſtimony, and there is no other that ſays it but himſelf, and if there be a good ſenſe given to them, certainly the words may very well bear it, for I think it is a very natural motion for any man to preſerve himſelf, though it be to the diſliking of another; and why a King ſhould not do it as well as a Subject, it is ſuch a prerogative of Kings, as I never yet heard of; for I thought, though they had been Gods on earth, yet they are men, and have affections as men, and ſhould preſerve themſelves, being not only accountable for themſelves, to God Almighty, but alſo for their Subjects whoſe Good and Benefit is wrapt up and involved in theirs, and therefore the King ought more to regard his own preſervation, than the Common-wealth.

The Third is, That Mr. Treaſurer ſays, that to his beſt remembrance I did ſay, *That if the Parliament ſhould not ſucceed, I would be ready to aſſiſt His Majeſty any other way*; God forbid this ſhould be any offence for to ſay ſo, either in him or me, for I will ſwear if it pleaſe you, that he ſaid ſo as well as I, therefore God forbid, it ſhould endanger either of us both; for my Lords, to ſay I will ſerve the King any other way, it is no other than what became a good and faithful ſervant to do, always provided, the way be good and lawful, which in this caſe, is always to be admitted among perſons of Honour and perſons of Truſt; and therefore admitting it not any other way, it was juſt, and lawful, and commendable in Mr. Treaſurer and me; for I vow to your Lordſhips, we both ſaid it, and he as fully as I.

But my Lords, all theſe come very far ſhort, to prove the words of the Charge, and this (under favour) is all the proof as I have taken, that I ſhould ſay theſe words before the Parliament.

The next words I am charged withal, are in the 23 *Article*, and thoſe, my Lords are, that having tryed the affections of his people, His Majeſty was looſe and abſolved from all Rules of Government, and was to do every thing that Power would admit, and that His Majeſty had tryed all wayes, and was refuſed, and ſhould be acquitted both of God and man: For the latter part that concerns the reducing of this Kingdom by the *Iriſh* Army, I have anſwered already, and therefore ſhall not need to repeat it.

My Lords, mine Anſwer (under favour) to thoſe words, with your Lordſhips Noble permiſſion, muſt be thus, That they are no way proved in the moſt material part of them, by any Teſtimony that hath been offered, I ſhall, as near as I can, repeat the proofs that were offered on this point (for theſe *Articles* were brought in four or five together,) but I ſhall apply the proofs ſeverally and diſtinctly.

The Teſtimony firſt given, was the Teſtimony of the Lord of *Briſtol*, wherein his Lordſhip ſays, That in a diſcourſe, there was difference betwixt his Lordſhip and me, in ſome Tenents of ours. To which I anſwered the other day; that in diſcourſe we ſpeak not always the things we think, but many times to gain from other mens arguments, to ſtrengthen me in my opinion, I will ſeem to be of the contrary; This is ordinary and familiar in all converſation, and very honeſt and juſt, ſo that albeit we ſeem to differ as we held it ſeverally, yet if the pulſe of our hearts had been touched cloſe, both his and mine, perhaps we ſhould have found it one and the ſame; Beſides, his Lordſhip ſaid, I diſliked not the diſcourſe, we ſpeaking of another Parliament; only I ſaid, it was not convenient at that time, and that the preſent dangers would not admit a remedy of ſo long conſideration; and that the King muſt provide for the Common-wealth, *Et ſalus populi ſuprema lex.*

And truly My Lords, I think that it is very hard, any man ſhould upon ſuch a diſcourſe, have his words turned upon him, and made uſe of to condemn him for High-Treaſon.

My Lords, I know you are ſo juſt that you would judg me, as you would be judged your ſelves, and whether any Man that hears me, would be content, to have every word that falls in diſcourſe betwixt man and man, to be ſo ſeverely interpreted, I leave to every man's Breaſt, what he finds in the cloſet of his own Heart: and deſire to be judged according to that.

My Lord went further, and ſays, I ſhould ſay that the King was not to be maſtered by the frowardneſs, or diſaffection of ſome particular men, and conceives it be meant of the Parliament.

My Lords, I ſay (under favour) theſe words are not within the Charge, and therefore I am not to be accountable for them; beſides, it is a ſingle Teſtimony, and by the *proviſo* of that Statute, cannot be made uſe of, to the end and purpoſe for which they bring them.

My Lords, the next Teſtimony offered for proving this Charge, is the Teſtimony of my Lord of *Newburg*, and he ſayes, That at the Council-Board, or in the Gallery I did ſay, *that ſeeing the Parliament had not ſupplied the King, His Majeſty might take other courſes for the defence of the Kingdom.* Truly My Lords (under favour) who doubts but he might, for my part, I ſee not where the offence is for another man to have ſaid thus, for if another man will not help me, may not I therefore help my ſelf? (under favour) I conceive there is no great weight nor crime in theſe words, but in theſe likewiſe he ſtands a ſingle Teſtimony, there is no man that joyns with him in it; and there is this in the whole Cauſe, concerning the words, that I think there is not any one thing wherein two concurr.

The next Teſtimony is that of the Earl of *Holland*, and he ſayes, That at the Council-Board I ſaid, *The Parliament having denyed the King, he had advantage to ſupply himſelf other wayes*; Truly, My Lords, I ſay ſtill other wayes, being lawful wayes, and juſt wayes, and ſuch wayes as the goodneſs of the King can only walk in, and in no other can he walk. And therefore I conceive, they be far from bringing it to ſo high a guilt as Treaſon; and this likewiſe his Lordſhip expreſſes as the reſt do, ſingly on his own word, as he conceives them, and not on the particular word of any other perſon, which is I ſay, the caſe of every one that ſpeaks in the buſineſs; and therefore there being ſo great a difference in the Report and Conceiving of things, it is very hard my words ſhould be taken to my deſtruction, when no Man agrees what they were.

My Lord of *Northumberland* is the next, and he ſayes, I ſhould ſay at a Committee for the *Scotiſh* affairs, *That in caſe of neceſſity, and for Defence and Safety of the Kingdom, every thing muſt be done for the Preſervation of the King and his People.* And this is the Teſtimony of my Lord in that point; if I take any thing ſhort, it is againſt my Will, I give you my Notes as far as I have them, and further I cannot remember them.

But my Lords, I ſay this brings it to that, which is indeed, the great part of my Defence in this caſe: There is another agreed in this too, and it is Mr. Treaſurer, who ſayes, that in Argument for Offenſive or Defenſive War, I ſhould ſay, *That having tryed all ways, and being refuſed, the King might in extream neceſſity, provide for the ſafety of himſelf and his People*; I ſay this brings it to that, which is principally for my Defence that muſt qualifie; if not abſolutely free me from any blame; and that is that which did proceed and follow after.

My Lords, (under favour) I have heard ſome diſcourſe of great weight, and of great Authority; and that is certain, the Arguments that were uſed in the caſe of Ship-Money, by thoſe that Argued againſt the King in that Caſe, ſay as much, and will undertake, if any man read thoſe Arguments, he ſhall find as much ſaid there, as I ſaid at Council-Board; for there you ſhall hear, that there be certain Times and Seaſons, when Propriety ceaſes, as in the caſe of Burning, where a Man pulls down the next Houſe, to preſerve the whole ſtreet from being ſet on fire. In the caſe of building Forts on any man's Land, where it is for the publique defence of the Kingdom, in both theſe Caſes, Propriety doth ceaſe: nay, he ſays that in War, *Inter Arma ſilent Leges.* Now my Lords, theſe are as highly ſaid, as any thing you have heard by me, and yet certainly is no ſubverting

ing of the Fundamental Laws for all that; and therefore, if a man muſt be judged, he muſt not be judged by pieces, but by all together.

My Lords, Whatſoever I ſaid at Council-Board, was led in by this Caſe, what a King ſhould do, in caſe of a Forreign Invaſion of an Enemy, when the ordinary wayes and means of levying Money would not come in ſeaſonably to prevent miſchief, for what a King may do, in caſe of abſolute neceſſity; certainly in theſe caſes, the ordinary Rules do not take place; as this was the Caſe that let in the Diſcourſe, ſo I moſt humbly beſeech your Lordſhips (for it is fully proved) to remember what was the concluſion of that Diſcourſe; which was, That after the preſent occaſion provided for, the King was obliged in Honour and Juſtice to vindicate and free the Liberty of the Subject from all prejudice, and harm it might ſuſtain in that extraordinary occaſion, and that this was to be done by a Parliament, and no other way but a Parliament: and the King and his People could never be happy, till the Prerogative of the Crown, and the Liberty of the Subject were ſo bounded and known, that they might go hand in hand together, mutually to the aſſiſtance of one another.

My Lords, give me that which precedes, and that which follows, (both being proved to be the Caſe in theſe words in the Charge) I think, conſidering theſe two, I ſhould be far from having committed any great crime or offence, in ſaying theſe words.

But I ſay as I ſaid before, I ſhall be more wary for the time hereafter, if it pleaſe God to give me that Grace and Life, which I ſubmit to him, and ſhall readily and willingly reſign to his good Will and pleaſure; I conceive therefore, that as theſe words are accompanied, they be not words that do amount to Treaſon, and are ſo qualifiyed, and ſo weakly proved, that I truſt they ſhall not ſtick with your Lordſhips.

The next words that I am charged withal in *England*, be on the 25*th Article*, and that is, that I ſhould ſay, that *the Aldermen that would not give in the names of the able men of the City, deſerved to be put to Fine and Ranſome, and that no good would be done with them, till an example were made of them, and they were laid by the heels, and ſome of the Aldermen hanged up.*

In the firſt part of the *Article*, there is ſomething, concerning my advice for raiſing the Money, but it is not proved that I did any thing therein, but as others did, and as in former years had been done, before my coming into the Kingdom: For the words, *that they deſerved Fine and Ranſome*, I confeſs, them in my Anſwer, juſt in the ſame manner as my Lord of *Berkſhire* was pleaſed to teſtify them the other day, that is, That if they ſhould not do the thing deſired, they might in my opinion, be liable to Fine and Ranſome.

And, my Lords, admit I were miſtaken in my opinion, ſhall it be a Treaſon to be miſtaken? I ſay, in my opinion, they might be lyable to Fine and Ranſome; but what is this to Treaſon? Under favour, nothing at all as I conceive. For the other part, *That it would never be well, till ſome of the Aldermen be hanged*; it proves to be teſtified by Mr. Alderman *Garroway*, and he owns it only for himſelf; for it was not that ſome of the Aldermen ſhould be hanged, but he ſaid at the Bar, *till he himſelf were hanged.*

My Lords, This is a ſingle Teſtimony, and theſe words, as he ſayes, were by me ſpoken to the King at the Council-Board, *That it would never be well till ſome of them were hanged*, meaning himſelf; Truly, my Lords, I thank God I never ſpake ſuch unmannerly Language all the dayes of my life, I have had more regard to my words than to ſay ſuch things to my Maſter; and your Lordſhips muſt needs be many of you by, and I am very confident, there is not one among you, that can remember any ſuch words were ſpoke; for in good faith, I did not ſpeak them: And my Lords, before this misfortune did befall me, I ſhould with modeſty have thought my ſelf a perſon on equal terms, to have been believed as well as Mr. *Garraway*, and I ſpeak it with as great confidence as he, that I never ſpake the words.

My Lords, The next is the 26*th Article*, and that is, that I ſhould ſay *the City of* London *dealt undutifully with the King, and they were more ready to help the Rebels, than to help His Majeſty; and if any hurt came to them, they might thank themſelves.*

1641.

My Lords, I am in the firſt part of this *Article*, charged to have counſelled and approved two dangerous and wicked Projects, the one concerning the ſtay of the *Bullion* in the *Tower*; the other concerning *Copper-Coyn*, and no proof hath been offered, that I either counſelled, or approved either of thoſe two Projects. And my Lords, it is proved to your Lordſhips, that when the Merchants came, I told them, I knew nothing of the buſineſs as to the *Bullion*, neither indeed, did I ever know there was any *Bullion*, nor any thing of that nature in the *Tower*. But for the words, I conceive it had been no Treaſon for me to think at that time, that the *Londoners* had dealt unthankfully with His Majeſty, I thought I might have ſaid it freely, without danger of ſuch a thought, as might conduce to the convicting me of Treaſon.

But whatſoever I then thought, or on what grounds ſoever, it may be remembred, that then I alledged, and now I ſpeak it, when News was brought to *York*, that the City had lent the King Two hundred thouſand pounds, I took notice, that notwithſtanding all I had thought formerly, they had now made ſuch recompence, and ſo cleared their Faith and Duty to the King, that I ſhould be their Servant, and lay my hand under their feet, as thoſe that heard me are able to ſpeak; for though at firſt I ſaid they had dealt unthankfully with the King, yet afterwards I was ready and willing upon all occaſions, to teſtify the contrary of them, and to profeſs that I was ready to ſerve them upon all occaſions, juſt, and honeſt, and honourable.

As for my ſaying, that *they were readier to help the Rebels than the King*. In truth I am a man that cannot juſtify a thing I do not approve, I muſt needs ſay, it was an unadviſed Speech; and, I wiſh I had not ſpoke it: it ſeems I did ſpeak it; for I have reaſon to believe honeſt men when they Swear, though, in truth, I remember it not: but, I have no reaſon or cauſe to think, they would take an Oath otherwiſe than truth. I have no exception to the Men, and therefore, upon their words, I muſt Credit them, before my own memory; but, it was an unadviſed Speech, and he is a wiſe man, and much wiſer then my ſelf, that ſome time offends not with his Tongue. And, in truth, my Lords, though there be no Treaſon in it, they are the moſt unwarranted words that appear in the whole Proof made againſt me.

In the 26*th* there are ſome words, that I ſhould ſpeak to my Lord *Cottington*, concerning a Fooliſh Pamphlet, or *Gazette*, which I then had in my hand; and, it is ſuch a Toy in it ſelf, and all the Circumſtances of it, that I hold it not worth the mentioning, but only that I would not forget any thing in the Proofs, as near as I could, and the Proof is uncertain, for onely one Man ſayes it, and, the very words he cannot expreſs: Now, he that ſhall Swear, when he cannot expreſs the Words, his Teſtimony is but of ſmall value; and, he is but a Single Proof at beſt to diſprove what is depoſed by Sir *William Parkhurſt*, who ſayes, he was by, yet heard not the Words: And, *Cogam* ſayes, he remembers not the words: and ſo, upon the matter, there are two againſt one; and, the whole being ſo uncertain, I conceive it is of very little moment in your Lordſhips Judgments.

My Lords, Theſe are as near as I can gather, all that are charged as unto Words, ſpoken either in *England* or *Ireland* Councils, other then theſe I am not charged withall, and ſo there remains nothing but my Actions; and, if I can free them as well, as I have freed the Words, I conceive then, under favour, I have fully Anſwered all, that hath been objected againſt me.

My Lords, The firſt of theſe is the *Fifth Article* in the Caſe of Sentence of the Council of War, againſt my Lord *Mountnorris*, and the Sentence of the Council of War againſt *Denwit*.

For that of my Lord *Mountnorris*, I have ſhewed plainly and clearly to your Lordſhips, that I was no Judge in the Cauſe, but a Party, and therefore not Reſponſible for any Judgment given againſt his Lordſhip. I gave no Vote, and ſo conſequently am not to Anſwer for any Guilt, if there were any; which, under favour, I conceive, ſince all Martial Law is Adjudged to be againſt the Law, I may be of another Opinion; but, formerly conceiving that that might have ſtood with the Law, I might ſay ſomething more for the Juſtification of it, then now I do, but, however, I was no Party.

They ſay, he was a Peer, and it is very true; but, as he was a Peer, ſo he was a Captain of the Army; and, in this Caſe, we conſider Men as Members of the Army, not as Peers: And, if a Peer will not ſubmit himſelf to an Officer of the Army, he muſt ſubmit himſelf to the Order of the Army.

Beſides, I ſay it was intended only as a Diſcipline to him, the better to remember him to govern his Tongue afterwards towards other Men; and, that there was no more Prejudice fell upon him by it, but two or three dayes Impriſonment, ſo there was no great Animoſity in the buſineſs: beſides, it appeared to your Lordſhips; that two or three days after we writ to the King, and obtained his Pardon; ſo that I conceive, the Inconvenience was not very great to him, nor the Proceedings ſuch, as ſhould make it unpardonable, or Criminal in them that gave Sentence upon him, whereof I was none.

For that other, concerning *Denwitt*, your Lordſhips may remember, he was found Guilty of Stealing a Quarter of Beef, and from Running from his Colours, and was formerly burnt in the Hand; for that he ſhould be Proceeded againſt another way: But, falling out at that time, when Five Hundred Men were going over to *Carliſle*, and they being unwilling to be put to Sea, we were inforced to thoſe proceedings for the preventing of further Miſchief. And, there is another thing; that the Martial-Law hath been alway in Force, and Executed in all times in *Ireland*, and never ſo ſparingly as in my time; for, this is the ouly Man that ſuffered all the time I had the Honour of the Government: And, I dare Appeal to them that know the Countrey, Whether, in former times, many Men have not been committed, and Executed, by Martial-Law, by the Deputie's Warrant, that were not Thieves and Rebels, but ſuch as went up and down the Countrey? if they could not give Account of themſelves, the Provoſt-Martial, by direction of the Deputies, uſing, in ſuch Caſe, to Hang them up. I dare ſay there are Hundreds of Examples in this kind; ſo that as to that, I do not Juſtifie it; But, I ſay, it is a Pardonable Fault; and, that others are of Courſe Pardoned for it; And, I truſt, that what falls of Courſe, ſhall not be laid upon me as High-Treaſon, or conducing to it.

The next is the Sixth *Article*; and that is in the Caſe of *Richard Rollſton*; and, therein, I am ſaid to have Subverted the Fundamental Laws, by executing a Power, and a Juriſdiction, which was not Warranted by Law, upona Paper Petition, putting out of Poſſeſſion of his Freehold & Inheritance my Lord *Mountnorris*.

My Lords, That Sentence will appear to your Lordſhips to be no more, then the relieving a Poor Man in caſe of Equity; and, it is proved to you to be a Power, that hath been formerly practiſed by the Deputies; and, I humbly conceive the Decree is juſt: So that, my Lords, I muſt confeſs, it is ſomething ſtrange to me, That, having the King's Letter to Warrant me in the Courſe of Proceedings, and having the Power of former Deputies in like Caſe, and doing no more therein then the Lord Chancellor, by the very ſelf-ſame Law, ſhould do in other places: And, that which ſhould be —— done, by the Chancellor, ſhould be Innocent and Juſt, yet become High-Treaſon when done by me, is a thing I underſtand not.

The next is the Caſe of *Tonnres*; and, that is waved by them; and well may it be; for, it was in a Caſe of Plantation; there was no Poſſeſſion altered, and it is fully within the Book of the King's Inſtructions.

The next is in the Caſe of Sir *John Gifford* againſt the Lord Viſcount *Loftus*, which they have Waved; and, well they may; for it was grounded on a Letter from the King, Commanding it to be heard by the Deputy and Council, which is clearly within the Inſtructions, and hath been ſince heard by the King and Council-Board, and by them Confirmed for a Juſt Decree.

The next is the Caſe of my Lord of *Kildare*; and, that they may well Wave too; the Proceedings being grounded upon a Letter from His Majeſty, and nothing done but in perſuance of an Award between the Lord *Digbye*'s Houſe, and that Houſe of *Kildare* made by King *James*.

The next is the Lady *Hibbot*'s Caſe; and that was Relief given to Poor Men, circumvented by Practiſe, to the Prejudice of himſelf. My Lords, I had Power to hear that Cauſe, and all Cauſes of that Nature, by the King's Letter, and according to the Practiſe of former Deputies: And, I conceive, it will appear,

1641.

when it comes to be heard, to be a juſt and fair Decree, I do not any way queſtion that, though I remember little of the buſineſs.

But, at the worſt, this is but an over-exerciſing of a Juriſdiction; and, that it ſhould be High-Treaſon in a Judg to exceed his Juriſdiction, I muſt confeſs I never heard it. I told your Lordſhips the other day, *Boni Judicis eſt ampliare Juriſdictionem.*

But, that it ſhould be High-Treaſon to enlarge Juriſdiction, is a perilous Point; and, if it be ſo, it befits your Lordſhips, and all Judges, to be well certained what you may do, leſt by going too far, you fall into great Inconveniences.

But, my Lords, I ſay (under favour) that all theſe, if they had been done without any manner of Authority, had not been a Subverſion, but rather a diverſion of the Law: it could not be properly ſaid, to be the Subverting of the Fundamental Laws, though it might be a diverting, and ſo long as I keep the Rule of the Law, and do the ſame things that another man does, in a more legal way, I mean in a more warrantable place; I ſay, my doing of the ſame thing in an unproper place, is not a Subverſion, but a diverſion of the Law: If you will bring in the *Thames* about *Lambeth*, to come in again below the Bridge, the River is the ſame, though the Courſe be diverted to another place: So the Fundamental Law is the ſame, though the Courſe be diverted to another place; I ſay, the Fundamental Law is the ſame, only it is carry'd in another Pipe: And, Shall this be ſaid to be a Subverting? Under favour, as the River is the ſame, ſo the Law is the ſame; it is not a Subverſion, but a diverſion. Nor doth it skill where Juſtice be done (I mean ſo far as it concerns the Subjects Intereſt) for, ſo long as he hath Juſtice ſpeedily, and with leaſt Charge, his end is complyed with, and it concerns not himſelf, whether he hath it in the King's Bench, or Common-Pleas; ſo he hath it ſpeedily, and with the leaſt Charge: And therefore, as long as the Laws are the ſame, though Executed by ſeveral Perſons, and in ſeveral places, I cannot conceive it to be a ſubverſion: And, I ſhall humbly beſeech your Lordſhips, to take care, that while theſe ſtraynes are put upon me, to make this Perſonal Charge againſt me, ye do not through my Sides, Wound the Crown of *England*, by taking that Power from the Deputy, which muſt of neceſſity be lodged in him, if you will have that Kingdom depend upon the Crown of *England*, which I hold, in all Wiſdom and Judgment, ought to be cared for: Therefore, I beſeech you, prejudice not the Deputy, to the Diſabling him from ſerving the Crown hereaſter, by beating down me, who am this day to Anſwer before you; For, if you take away the Power of the Deputy, you ſhall not have that Kingdom long depend upon this Crown; for, it reſts under God and His Majeſty, and muſt principally reſt upon the care of him that is intruſted with that Charge: And, therefore, give me leave, on the behalf of the Crown of *England*, to beſeech you to be wary of leſſening the Deputie's Power too much; for, if you do, I fear you will find it a great Diſſervice to the Crown.

My Lords, the next thing I am Charged with is the 9*th Article*; That is, a Warrant of Aſſiſtance to the Biſhop of *Down* and *Connor*, and, for that, your Lordſhips ſee there was but one of them, and have heard it proved, that before my time ſuch Warrants were frequent indeed, no man was denyed them: But, my Lords, it muſt likewiſe be remembred, that of my own accord, I did recall it, before I was ever queſtioned for it; and, it is very hard, if he that mends his Faults, ſhould be afterward puniſhed for it; for, it is a degree of Repentance, and it is hard, that a man ſhould be finally Condemned after Repentance: and therefore, my Lords, I truſt, ſeeing there was but one of them, ſeeing I did my ſelf recall it, ſo willingly, as ſoon as I found the Inconvenience, I hope that will be eaſier remitted to me.

The next is the 10*th Article*, that concerns the Cuſtomes, and that is rather to be looked on as a Fraud, then as a Treaſon, as I conceive it, there is no Treaſon in the Buſineſs ſure: But, I have proved, the Bargain was honeſtly made; That there was more offered for it by me then any other; That I had it upon no other Terms, then it was formerly, let to others; That I was conſtrain'd to it whether I would or no; And then, My Lords, if the Bargain, by the Increaſe of that Kingdom, prove a good and profitable Bargain; it is a very hard Caſe, that if it be increaſed through the King's Wiſdom and Goodneſs, and the Kingdoms Growth, Trade and Traffick, that this ſhould be turned upon me, as an Argument, to make me Guilty of Treaſon.

I never found a good Bargain ſhould be ſo charged, ſo long as it was honeſt and fair.

But, whereas they preſs, That I have gained Three Hundred Thouſand Pounds Eſtate by it; it is a very ſtrange miſtake: For, the King has out of it his Rent of 15 or 16 Thouſand Pounds a year, and Five entire parts of Eight clear to Himſelf; and therefore it was a ſtrange Calculation, and much miſtaken by them that that gave the Information of it to the Gentlemen.

For the book of Rates it was none of mine, but was agreed on before my time; I had nothing to do with it, and therefore have nothing to Anſwer for it: And, when it ſhall come to be proved, it will appear, that the Rates were ſet fairly and juſtly, and equal betwixt King and People, according to the Law, whatſoever hath been ſaid to the contrary.

The next is the 11*th Article*, concerning Pipe-Staves, and that is by them waved; and well they may, for the plain truth is, if it had been proceeded in it would have appeared, that there is come Fifteen hundred pounds gain to the King, and Four hundred pounds loſs to my ſelf, and preſerving of Woods, and that is all that would be made from that Article.

The next is the buſineſs of the Tobacco, which is not applyable to Treaſon in any kind; but becauſe I would be clear in every Man's Judgment that hears me, I beſeech your Lordſhips to call to mind, it was the Petition of the Commons-Houſe of *Ireland*, That the Grant of Impoſt on the Tobacco ſhould be taken in, and converted to the King's uſe; ſo that whatſoever was done, was purſuing their intention and deſire.

That there was no way but this, to make benefit and profit of it, is moſt manifeſtly ſhewed, that there was a Proclamation in *England* of the like nature, and a Command of the King to proceed in it accordingly; and an Act of Parliament Tranſmitted here, for paſſing it to the Crown, according to the intention of the Commons-Houſe; and, for the greatneſs of the Bargain, no Proof hath been offered to your Lordſhips, but only the Eſtimate of a Merchant; and, how far your Lordſhips would be guided by the Eſtimate of a Merchant, I know not; but, I have had Trial of ſome of them, and their Eſtimates never hold; for, they have alwayes told me, I ſhall gain much, and when I came to the point, I gained nothing: and if Sir *George Ratcliff* ſhould be ſworn to the Point, he ſhould ſay confidently, that we are Fourſcore and ſix thouſand out of Purſe; and, when he came out of *Ireland*, but Fourſcore thouſand pounds received; and this is the Profit Eſtimated by the great Merchants, at a Hundred and Forty Thouſand Pounds a year: But, at the worſt, it is but a Monopoly, and a Monopoly of the beſt condition, becauſe it was begun by a Parliament. I have ſeen many Monopolies queſtion'd in Parliament, and many overthrown in Parliament, but, I never heard a Monopoly charged for a Treaſon.

My Lords, The next is the 13*th Article*, and that is concerning the Flax buſineſs; For that, my Lords, if I had thought it any way concerning me, I could have cleared it in a very great meaſure; But, I had no private Intereſt in the buſineſs, much leſs of private profit; but only an endeavour and deſire, to bring in the Trade of Linnen-Cloth to that Kingdom, which would be much advantage to both Kingdoms, and no prejudice to this Kingdom, which a Woollen Trade would have been, if ſet up there.

And, the Proclamation, when it was found not ſo well liking to the People, was called in of our own accord, before it was queſtion'd, and ſo laid aſide, & given over.

For any matter of private Benefit, you have no Witneſs but *Crokay*, a Fellow brought out of Priſon; Here is but a ſingle Witneſs, and a ſorry one; a Fellow, who, by mis-behaving and mis-uſing the truſt committed to him, was turned out; and, upon the turning of him out, the Proclamation was abſolutely called in: and now he comes to be a Witneſs, being himſelf the only offender in the Cauſe.

But, I beſeech your Lordſhips, to think, I have not lived with ſo mean a heart in the World, that I ſhould look to gain Four Nobles more or leſs, upon

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1641. a Cart Load of Flax; It is very well known my thoughts have carried me free enough from gaining ſo poor and petty a matter, as that is. I know nothing in the World of it, no more than the man in the Moon; but, when it comes to be heard, your Lordſhips will find me extreme pure in that; for, I thank God I have clear hands I aſſure you.

The 14*th* is waved by them, concerning an unlawful Oath given to Maſters and Officers of Ships; and, it might very well be waved; for I conceive it to be Warranted by the Law: Sure I am, it is both the Practice of *England* and *Ireland*, and hath alwayes, and at all times, been practiſed and uſed, and is only for the preventing of Fraud and Deceipt in Merchants, by not paying the King's Duties and Cuſtoms.

The 15*th* is Anſwered already I hope.

The 16*th* doth Charge upon me certain Propoſitions I made, before I went into *Ireland*: And, in good Faith, my Lords, you may ſee, how ſhort-ſighted men may be to their own Actions; for, I did very well believe, I ſhould never have reaped any thing from thoſe Propoſitions but Thanks; I am ſure they were well received then, when they were offered to His Majeſty and the Council; and, I muſt truely Confeſs, I never thought they ſhould be objected againſt me as a Fault.

My Lords, The Propoſition was, *That no man ſhould be allowed to Complain of Injuſtice or Oppreſſion in* Ireland, *unleſs he firſt addreſſed himſelf to the Deputy*: My Lords, there was no Original Intent, but only to prevent Clamours, and Unjuſt Vexations of the King's Miniſters there; that, after men had received Judgment of the King's Courts, they might not preſently come, and, by Clamours, call over a Chief Juſtice, or a Chancellor, or Preſident, to Anſwer here, and be at charge of five or ſix hundred pounds, unleſs they acquaint the Deputy with it, that they might be righted in the place; and, this is Charged againſt me as a great Crime.

Truly, My Lords, I ſhall Confeſs, and Amend any thing, and truſt other Judgments rather than mine own; but, I ſee not how this can Charge me, as intending to ſubvert the Laws of the Land, but rather to preſerve them.

The other concerns a Proclamation, *That none ſhall depart the Kingdom without Licenſe.*

My Lords, for that I have ſhewed, that no man out of that Kingdom, can come without Licenſe, but upon very great Penalties. I have ſhewed likewiſe, it was the deſire of their own Agents ſome 15 or 16 years ſince, That there might be ſuch a Reſtraint, and none might come over without Licenſe. I have ſhewed you likewiſe, the Inſtructions to my Lord of *Faulkland*, by which he was Commanded, in perſuance of that Deſire, that none ſhould come over without his Licenſe: I have ſhewed the expreſs Command of His Majeſty to me, to have it ſo. I have ſhewed you likewiſe the Reaſons of State, why it ſhould be ſo, to prevent that practice and Intelligence, which might otherwiſe ariſe betwixt them of that Nation, ſerving under *Tir-Connell* and *O Neale*; and likewiſe to prevent the going over, and Tranſplanting the Prime Nobility and Gentry to Seminaries, and other ſuch places, there to be brought up: and therefore, in reaſon of State, it is a Reſtraint, and ought ſo to be. But, having theſe grounds of Law, Warrant, Practice, Former Inſtruction and all, Why this ſhould be brought to me in particular Charge, to Convince me of endeavouring the Subverſion of the Laws, I muſt ſubmit to your Lordſhips.

My Lords, There is, in the latter part of this, another Charge, concerning the Sentencing of one *Parry*, who was Sentenced (as I conceive) very Juſtly; and, I have no more to anſwer for in that Sentence, than any of the reſt, having but a ſingle Voice; and, that I ſhould anſwer for all, I confeſs is ſomething hard. But, there is no manner of Teſtimony in the World in this, ſave the Teſtimony of *Parry* himſelf: Now, if *Parry*, the Man offended, his Teſtimony ſhall be taken againſt the Judge, I know no Man can be ſafe, and other Teſtimony is not offered: and therefore I truſt that that will eaſily fall off of it ſelf.

The 17*th* is likewiſe waved; and is, in Truth, of no great Conſequence, one way or other, and therefore I ſhall give no other Anſwer to it; It was well waved, and had been as well left out, having no great matter in it.

The 18*th* is likewiſe waved, but it is that which ſticks very heavy upon me; and, wherein I find my ſelf as much afflicted, as in any one part of the Charge: For, my Lords, here I am Charged up and down, to endeavour to draw upon my ſelf a Dependance of the Papiſts, in both Kingdoms of *Ireland* and *England*; and, that I have, during the time of my Government, reſtored diverſe Maſs-Houſes in *Dublin* and elſewhere, that have been by Precedent Deputies taken away. I am likewiſe Charged to have drawn to my ſelf a Dependance of the *Iriſh* Army, Eight Thouſand, all Papiſts; and likewiſe to have miſcarried my ſelf in a Commiſſion intruſted with me, before my going into *Ireland*, concerning Compoſitions for Recuſants.

This is a very heavy and grievous Charge, and hath raiſed a great deal of Ill Opinion againſt me in the World, to be a Favourer and Contriver with Papiſts, and I know not whom, againſt the Religion I profeſs, a Greater and Fouler Crime, there cannot be againſt God or Man; and yet this goes in Print all over the World: and, when it comes to the Point, here is no Proof, nor any part of the Charge made good. And, therefore ſince it is not made good by the Charge, I humbly deſire I may be vindicated in your Lordſhips Noble Opinions, and the Opinions of all that hear me, that I am in my Religion, what I ought to be; and, that which I will Dye in, and Maintain againſt all the World: And, I am ſo far from Contriving any thing to the hinderance of it, that, if God give me life, I will ſerve it, and prevent any inconvenience to it: and, my Religion and Duty to God is ſo Dear, and precious to me, that there is nothing in this World, but I ſhall lay it down as Straw, and Stubble, under my feet, and trample upon it, rather, then in any kind, forfeit that: but, in the mean time, I ſuffer, and muſt be content.

My Lords, The next is the 19*th Article*; and, that was, for framing a New and Unuſual Oath, which the *Scots* did take in *Ireland*, to give Pledges of their Allegiance to the King; I have ſhewed you for that, that the Oath was framed by the King's expreſs Command in *January*, before the Oath was given, which was, I think, in *May*. And, I did then humbly conceive it lawful for me ſo to do, being only to take from them a Pledg of their Allegiance to the King. I confeſs, I conceived ſuch an Oath might have been lawfully Adminiſtred to the People; and ſhewed, that the ſame Oath was Adminiſtred here in *England*, to thoſe of that Nation, I ſhewed that it was taken in *Ireland* voluntarily: And, I humbly repreſent to your Lordſhips the time when this Oath was required, when the King and both the Armies were in the Field, lodged not far from one another: And, whereas it is ſaid, it ſhould oblige the Clergy in Ecclefaſtical Matters; if your Lordſhips call to mind, the very Oath it ſelf clears that Point, requiring onely a Temporal Obedience and Allegiance, in a time of that Danger and Diſtraction, given by the King's own Command, and to no other purpoſe.

And, my Lords, the Proofs are nothing at all on the matter; Sir *James Montgomery* tells you a Tale, not much Material; nor Mr. *Maxwell*, nor Sir *John Clotworthy*; there is nothing at all in it concerning Treaſon. *Stewart*'s Sentence remains only to be anſwered in this Article; for that, I conceive it was juſtly and fairly given, as I then conceived. I was one of the reſt, and nothing was intended by that Decree, but his Reformation; and, when he had pleaſed to have taken the Oath, he might have been releaſed of the Sentence, and ſent home again quietly.

The next is the 20th *Article*; Wherein I am Charged to be a Provoker, and Incendiary of a War againſt his Majeſties Subjects of the *Scotch* Nation; and, that I ſhould ſay of them, *They were Rebels and Traytors:* and, being about to come into *England*, that I ſhould ſay, *I would root out of the Kingdom the* Scotiſh *Nation Root and Branch.*

My Lords, I ſhall need no more to ſay in this, for my being an Incendiary; I think by the Proof, it hath been clearly made appear to your Lordſhips that I gave no Opinion, but ſuch as others did in the like Caſe. It is proved by Lord *Traquair*, and my Lord Treaſurer, and might have been proved by many more, if it had been needful.

For the Words, that I ſhould ſay, *The Rooting out the* Scots *Root and Branch*, They are only teſtifi'd by one ſingle Witneſs; *Salmon* the School-Maſter ſwears it, and no man elſe but he; and, I hope, my Lords, that when your Lordſhips do call to mind, how he is Croſt by his Fellow Witneſs *John Loftus*, your Lordſhips will be ſatisfied; he Swears I will perſecute them to the Blood, and root them out Root and Branch, and, I cannot tell what: But, *John Loftus* ſaid indeed, that I ſaid, I hope that ſuch of the *Scottiſh* Nation, as would not ſubmit to the Eccleſiaſtical Government, I would root out ſtock and branch: a wonderful difference between theſe two. But, my Lords, it was teſtified by Mr. Secretary *Manwaring* then preſent, that I never ſpoke the one nor the other, but as in my Anſwer I did truely and faithfully deliver it; I ſaid, that unleſs they would take that Oath of Allegiance, and ſecure the King of their Allegiance in that point, I hope I ſhould not ſee any of them ſtay in that Kingdom, that refuſed it: and, there is no proof in the World but the School-Maſter; and, I hope your Lordſhips will not take him to be a good and valid proof to convince me in this Caſe, being a perſon of no greater Quality, and croſſed by his fellow Witneſs: For my ſelf, I do abſolutely ſay, I was ſo far from wiſhing ill to that Nation, or any Diſſenſion or Diviſion between them, that I never deſired other in my heart and ſoul, but a firm Peace through the King's Dominions: My Counſels tended to that; and, if I might ſeem to begin in a contrary way, yet the laſt reſort was, to bring all to quietneſs, and ſo, that it ſhould be without Blood. And, I dare ſay, there be them that heard me ſay it many a time in the King's Council, *That the King ſhould be in nothing ſo much ſparing and tender, as to draw any Blood in that Quarrel*; I dare ſay, many that heard it will juſtifie me in it: And, if your Lordſhips will give me leave, I do think I have ſomething that might procure your Lordſhips belief that it was ſo; for, at that time, my Fortune (though now by Miſfortune it be mean enough) was ſuch, as I needed not deſire to ſhuffle the Cards, and deal anew; and eſpecially, when nothing was to be got but Blows: and, that I truſt will be an Argument to your Lordſhips, that nothing was deſired by me ſo much as Peace; and that under God's goodneſs, and the protection and Benefit of His Majeſtie's Scepter, I might enjoy the little Eſtate my Anceſtors left me; for, it is certainly true, whatever the World may think to the contrary, it is very little better from what my Father left me; ſomething it is, and the moſt part of the Improvement of it was, before I came to ſerve the King; and yet I have had more from the King then I deſerved in all kinds, and all the whole ſervice of my Life, were it never ſo many years, could not Merit, nor deſerve from him, the Hundred part of what I had from His Favour.

My Lords, Mr. Treaſurer *Vane* ſays, I was in the Argument for an Offenſive and he for a Defenſive War, for a War both of us: And, I beſeech your Lordſhips, How ſhould it be more Treaſonable for me, to be for an Offenſive, then for him to be for a Defenſive War? for a War there muſt be, and the difference was not great: and, for a Councellor to deliver his Opinion, and have that turned upon him as Capital, to ſweep from the World himſelf and his Poſterity, is a very hard Caſe, to ſay no more of it.

The next *Article* is the 21*th*, wherein I am Charged to be an Enemy to Parliaments; a Breaker of Parliaments; and did, by that means, ſow ill Affections betwixt the King and His People.

My Lords, This is more fully Charged in a Subſequent Article then this; for, this is but only for breaking of the laſt Parliament; that I ſhould adviſe it to be called, with an intent to break it, which is very unlikely; for, that nothing in the World could be of ſo happy effect to me, as the ſucceſs of that Meeting, and yet I muſt deſtroy, and diſadvantage my ſelf in that, then which, nothing could be of more advantage then the ſucceſs of that Parliament.

The *22th Article* is Anſwered already; and, the *23th* likewiſe.

In the 24*th Article*, comes in that of the Parliament more fully; and there I am Charged Falſly, and Treacherouſly, and Malitiouſly, to have declared before His Majeſties Privy-Council, *That the Parliament of* England *had forſaken the King, and given Him the Advantage to Supply Himſelf otherwayes; and having ſo Malitiouſly Slandered the ſaid Houſe of Commons*, that I did, with the Advice of the Archbiſhop of *Canterbury*, and the Lord *Finch*, Publiſh a Falſe and Trayterous Book, called, *His Majeſtie's Declaration of the Cauſes of Diſſolving the laſt Parliament*,&c. This goes very heavy upon me in the World, that I ſhould be a breaker of Parliaments; a Counſellor againſt Parliaments. My Lords, there is nothing proved of it; and, I hope I ſhall be cleared by your Lordſhips, and theſe noble Gentlemen, and all the World, that I had no ſuch thing in my heart.

For the Point of the Declaration, I was at that time Sick in my Bed, and could do nothing in it, and therefore I truſt I ſhall be acquitted as to that: As to the Breaking of the Parliament, or any ill-will to Parliaments, I have ever honour'd them; and, far be it from me to wiſh, that they may not be frequent, for the good of the King and Kingdom; but, as oft as you ſhall have it urged, and preſt againſt me, that I ſhould be an endeavourer to Subvert the Fundamental Lawes of the Land in this kind, I beſeech your Lordſhips, call to mind what hath been proved, that at all Publick Debates, at Council, and Privately apart, I have humbly repreſented to His Majeſty, from time to time, *That Parliaments are the Only Way to Settle Himſelf in Quietneſs in the Kingdom, and to acquire Proſperity and Happineſs to Himſelf and His People:* And, when you ſhall hear them preſs upon me, that I have endeavoured to Subvert the Fundamental Laws of the Land, I beſeech your Lordſhips to call to mind, how frequently and fervently I have adviſed the King, to call for Parliaments, which, under God, is the great Protection, and Defence of the Fundamental Laws of the Kingdom,

To the 25*th* I have Anſwered already, and to the 26*th* likewiſe.

The next is the 27*th*; and, for that, I can ſay no more, then that your Lordſhips have heard the Proofs for the Levying of Money; it hath been cleared to your Lordſhips, that nothing was done by me, but by Conſent of the Country, with their Unanimous good liking, and for their benefit and advantage: Being done ſo, and for ſo good ends, as I truſt that ſhall not be enforced againſt me; and, it is very ſtrange to me why it ſhould be expected, that if two Armies be in the Field, one againſt the other (as there was at *York*) that they ſhould be Govern'd with as much quietneſs, as an Atturney walking with his Writs at his Girdle, betwixt the King's Bench and the Common-pleas.

For, Armies cannot be Govern'd without ſome Latitude in this kind: *Inter arma Silent Leges*: rightly applyed, there is truth in that. But, I did nothing in the Buſineſs, I did nothing by Compulſion, but by the voluntary liking of the Parties themſelves: and therefore, I conceive, that ſhall not be Charged upon me as Treaſon.

There remains now the 28*th Article*; and that is the onely Bloody Article, if it had been, or could be made good, that is in the whole Charge; for, there I am Charged, out of ill and wicked purpoſes (and, indeed, What can be worſe than Treaſon) to have Betrayed *Newcaſtle* into the power of the *Scotch* Army; and, likewiſe, to have betrayed the King's Army at *Newburn*, to a diſhonourable Retreat.

My Lords, if either of theſe had been true, I ſhould have ſaved your Lordſhips the labour. I would have given Judgment againſt my ſelf, that had been certain: But, my Lords, never was any Man more Innocent, therefore they may very well wave it.

Have I been all this while Charged as an Incendiary? and, Am I now come in the Concluſion to be charged as a Confederate? it is wonderful ſtrange! certainly your *Articles* fight one againſt another in this; for, How can I be an Incendiary in one part, and a Conſpirator with them that Charged me, to be an Incendiary in the other part?

In good Faith, I have not been very kindly dealt withal by my Confederates, if they be Confederates, to Charge me as an Incendiary, that did them that Service and Help, as to deliver into their hands a Town of ſuch Conſequence as that is.

No, my Lords, I wiſh all happineſs to the Nation, but, I can never wiſh ſo to

1641. it, as that they ſhould take one of the King's Towns in *England*, if I could have helped it. My Lords, it was loſt before I had the Charge of the Army, I had nothing to do in the buſineſs, nor am I to give any Accompt of it, nor is any thing proved.

And, as to the Defeat at *Newburn*, you yet fight one Article with another, methinks in that too; for, I am charged to be the Man, that delivered up *Newcaſtle*, and yet, all the World knows, that nothing could ſave it from being loſt, but taking away from the *Scots* the Paſſages at that time: So, that I ſhould uſe all means to prevent Men from doing that, which I meant to do for them, is verye all ſtrange to me. Here is no Probability, and certainly little truth in the whole buſineſs, as concerning my Confederating with the *Scots*, either for the one or the other.

And ſo, my Lords, I am come to the end of theſe 28 *Articles*, that were for my further Impeachment; I have gone over them all: and, out of theſe now there remains, that other Second Treaſon, that I ſhould be guilty of endeavouring, to Subvert the Fundamental Laws of the Land, in the firſt of thoſe Seven *Articles*.

My Lords, That thoſe ſhould now be Treaſon together, that are not Treaſon in any one part, and Accumulatively to come upon me in that kind; and, where one will not do it of it ſelf, yet woven up with others, it ſhall do it; Under favour, my Lords, I do not conceive, that there is either Statute-Law, or Common-Law, that hath declared this, endeavouring to Subvert the Fundamental Laws, to be High Treaſon.

I ſay, neither Statute-Law, nor Common-Law Written, that I could hear of; and, I have been as diligent to enquire of it as I could be: And, your Lordſhips will believe I had reaſon ſo to do. And, ſure it is a very hard thing, I ſhould here be queſtion'd for my Life and Honor, upon a Law that is not Extant, that Cannot be Shewed. There is a Rule that I have read out of my Lord *Cook*, *Non apparentibus & non exiſtentibus eadem eſt Ratio.*

Jeſu! My Lords, Where hath this Fire lay'n all this while, ſo many hundred years together, that no Smoak ſhould appear till it burſt out now, to conſume me and my Children. Hard it is, and extream hard, in my Opinion, that a Puniſhment ſhould Precede the Promulgation of a Law; that I ſhould be Puniſhed by a Law Subſequent to the Act done. I moſt humbly beſeech your Lordſhips, take that into Conſideration; for, certainly it were better a great deal to live under no Law, but the Will of Man, and Conform our ſelves in Humane Wiſdom, as well as we could; and, to Comply with that Will, then to live under the Protection of a Law, as we think, and then a Law ſhould be made to puniſh us, for a Crime precedent to the Law: then I conceive no Man living could be ſafe, if that ſhould be admitted.

My Lords, it is hard in another reſpect, that there ſhould be no Token ſet upon this Offence, by which we may know it; no manner of Token given; no Admonition by which we might be aware of it. If I paſs down the *Thames* in a Boat, and run and Split my ſelf upon an Anchor, if there be not a Buoy to give me warning, the Party ſhall give me Damages; but, if it be Marked out, then it is at my own peril. Now, my Lords, Where is the Mark ſet upon this Crime? Where is the Token by which I ſhould diſcover? if it be not Marked, if it lie under-Water, and not above, there is no Humane Providence can prevent the Deſtruction of a Man Preſently and Inſtantly. Let us then lay aſide all that is Humane Wiſdom, let us rely onely upon Divine Revelation; for, certainly, nothing elſe can preſerve us, if you will Condemn us before you tell us where the Fault is, that we may avoid it.

My Lords, may your Lordſhips be pleaſed to have that regard to the Peerage of *England*, as never to ſuffer your ſelves to be put upon thoſe Moot-Points, upon ſuch Conſtructions, and Interpretations, and Strictneſs of Law, as theſe are, when the Law is not clear nor known: If there muſt be a Tryal of Wits, I do moſt humbly beſeech your Lordſhips to conſider, that the Subject may be of ſomething elſe, then of your Lives and your Honors.

My Lords, We find, that in the Primitive time, on the Sound and Plain Doctrine of the bleſſed Apoſtles, they brought in their Books of Curious Art, and burnt them.

My Lords, it will be likewiſe, under favour (as I humbly conceive) Wiſdom and Providence in your Lordſhips, for your ſelves and poſterities, for the whole

Kingdom, to caſt from you into the Fire, thoſe Bloody and Miſterious Volumes, of Conſtructive and Arbitrary Treaſons, and to betake your ſelves to the plain Letter of the Statute, that tells you where the Crime is, that ſo you may avoid it; and let us not, my Lords, be ambitious to be more Learned in thoſe killing Arts, then our Fore-fathers were before us.

My Lords, It is now full Two Hundred and Forty years ſince any Man ever was Touch'd, to this Height, upon this Crime, before my ſelf; We have lived, my Lords, happily to our ſelves at Home, we have lived Gloriouſly Abroad to the World; let us be content with that which our Fathers left us, and let us not awake thoſe Sleepy Lyons to our own Deſtruction, by Ratling up of a Company of Records, that have lay'n for ſo many Ages by the Wall, Forgotten, or Neglected.

My Lords, There is this that troubles me extreamly, leſt it ſhould be my Miſfortune to all the reſt (for my other Sins, not for my Treaſons) that my Precedent ſhould be of that Diſadvantage (as this will be, I fear, in the Conſequence of it) upon the Whole *KINGDOM*.

My Lords, I beſeech you therefore, that you will be pleaſed ſeriouſly to conſider it, and let my particular Caſe be ſo looked upon, as that you do not, through me, Wound the Intereſt of the *Common-Wealth*: For, howſoever thoſe Gentlemen at the Bar ſay, They Speak for the *Common-Wealth*, and they believe ſo; yet, under favour, in this particular, I believe I Speak for the *Common-Wealth* too; and, that the Inconveniencies and Miſeries that will follow upon this, will be ſuch, as it will come, within a few Years, to that which is expreſt in the Statute of *Henry the Fourth*, it will be of ſuch a Condition, that no Man ſhall know what to do, or what to ſay.

Do not, my Lords, put greater Difficulty upon the Miniſters of State, then that with Chearfulneſs they may Serve the King and the State, for, if you will Examine them by every Grain, or every little Weight, it will be ſo heavy, that the Publick Affairs of the Kingdom will be left waſte, and no man will meddle with them, that hath Wiſdom, aud Honor, and Fortune to loſe.

My Lords, I have now troubled your Lordſhips a great deal longer, then I ſhould have done; were it not for the Intereſt of thoſe *PLEDGES*, that a Saint in Heaven left me, I would be loth, my Lords——(*here his Weeping ſtopt him*, what I forfeit for my ſelf is nothing; but, I confeſs, that my Indiſcretion ſhould Forfeit for them, it wounds me very deeply. You will be pleaſed to pardon my Infirmity; ſomething I ſhould have ſaid; but, I ſee I ſhall not be able, and therefore I will leave it.

And now, my Lords, for my Self, I thank God I have been, by his Good Bleſſing towards me, taught, *That the Afflictions of this preſent Life, are not to be compared with that Eternal Weight of Glory, that ſhall be Revealed for us hereafter:* And ſo, my Lords, even ſo, with all Humility, and with all Tranquility of Mind, I do ſubmit my ſelf clearly and freely to your Judgments; and, whether that Righteous Judgment ſhall be to Life, or to Death,

Te Deum Laudamus, Te Dominum Confitemur.

And then lifting up his Hands and Eyes he ſaid, *In te Domine confido, ne confundar in Eternum.*

Thus did this Great Mind deliver his Defence, with a Grace and Action ſo unimitable and peculiar to himſelf, as wrought Admiration and Compaſſion in his very Enemies, at leaſt for the preſent: And pitty it is, that it cannot be found in the power of Art to reſcue that part of Eloquence which conſiſts in Action, from oblivion; and had it been poſſible here would have been ſomething beſides the Words, capable of Obliging Poſterity, and worthy of their Imitation; for certainly as his very Enemies confeſſed, *He was one of the greateſt Maſters of Perſuaſion, that Age or any other have produced.*

My Lord having concluded his Defence, Mr. *Glyn* addreſſing himſelf to the Lords, ſpoke as followeth.

May it pleaſe Your Lordſhips,

MY Lord of *Strafford* (as your Lordſhips have obſerved,) hath ſpent a great deal of time in his Evidence, and in his courſe of Anſwering, hath inverted the order of the Articles; he hath ſpent ſome time likewiſe in defending the Articles not objected againſt him, wherein he hath made a good Anſwer, if in any: We ſhall preſume to withdraw a while, and reſt upon your Lordſhips patience; and I doubt not but to repreſent my Lord of *Strafford* as cunning in his Anſwer, as he is ſubtil in his Practice.

The Committee withdrawing for about the ſpace of half an hour, and then returning to the Bar, Mr. *Glyn* proceeded as followeth.

My Lords,

Your Lordſhips have obſerved how the Earl of *Strafford* hath been accuſed by the *Commons* of *England* of *High Treaſon, for a purpoſe and deſign to ſubvert the Fundamental Lawes of both the Kingdoms of* England *and* Ireland, *and to introduce an Arbitrary and Tyrannical Government:* The *Commons* have exhibited Articles in maintenance of that Charge: My Lord of *Strafford* hath thereunto anſwered in Writing. The *Commons* have proceeded to make good their Charge by proof, and thereunto my Lord of *Strafford* hath made his Defence; and this day my Lord of *Strafford* hath taken upon him to recollect his Evidence, and make his obſervation upon it, the moſt he could to his advantage.

My Lords, We that are intruſted for the Houſe of Commons, ſtand here to recollect the Evidence on our part, and to apply it to the general Charge, and how far it conduces thereunto.

My Lord of *Strafford* in recollecting the Evidence of his Defence, as I did mention before, hath (under favour) expreſt very much ſubtilty, and that in divers particulars, which I ſhall repreſent to your Lordſhips.

My Lords, before I enter upon the recollection of the proofs produced on the behalf of the Commons, I ſhall make ſome obſervations, and give ſome anſwer to that recollection of his; though very diſorderly to the method I propounded to my ſelf.

And Firſt, in general, it will appear to your Lordſhips, (looking upon your Notes, and obſerving his recollection) that he hath uſed the repetition of Evidence on both ſides, in ſuch manner as you know who uſed Scripture; that is, to cite as much as makes for his purpoſe, and leave out the reſt. And likewiſe, that in repetition of the Evidence, he hath miſ-recited plainly, very much of the proofs on both ſides, and likewiſe hath pretended ſome proofs to be for his Defence, which indeed were not: and he hath taken this farther advantage; when it makes for his Defence, he hath diſjoynted the Proofs and Teſtimonies, and ſevered them aſunder, that it might appear to your Lordſhips, like Rain falling in drops, which conſidered in diſtinct drops, bring no horror, or ſeeming inconvenience with them; but when they are gathered together into an entire body, they make an Inundation, and cover the Face of the Earth. He would not have your Lordſhips look on thoſe Teſtimonies together, but diſtinctly and aſunder, which being put together, look horrid, as will appear to your Lordſhips, when you duly conſider of them.

Theſe be the general obſervations, which in my Anſwer I doubt not but to make good: But before I ſhall enter into obſervations of what he hath ſpoken, I ſhall anſwer in general to ſome things which he hath in general alledged.

In the firſt place, he hath made a flouriſh this day, and ſeveral other days in the way of his Defence, *That if he could have had longer time, he could have made things appear clearer, and have produced more proofs.* Give me leave to inform your Lordſhips, that he is no way ſtreightned of time, for he hath been charged above three months ſince: he knew what was laid to his Charge, and therefore his pretence of want of time, and of his Diſabilities to make better proofs, are but *Flouriſhes.* And it appears plainly, whatſoever he hath had occaſion to make uſe of, even the leaſt paper, though he fetched it from *Ireland*, there is not one wanting; he hath Copies of Papers from the Council-Table, from the Parliament of *Ireland*,

and

1641.

and all that may any way tend to his juſtification, and yet he ſtands upon that *flouriſh, that if he had had time, he could have made it more clear.*

My Lords, He hath mentioned often this day, and oftner the days before, *That many of the Articles laid to his Charge, are proved but by one Witneſs*; and thereupon he takes the advantage of the Statute of *E. 6.* that ſayes, *A man ought not to be condemned for High-Treaſon, without two Witneſſes.* My Lords, This is a *fallacy* known to his own breaſt, I doubt not, and not taught him by any of his Counſel, or others Learned.

The Treaſon laid to his charge, is, *The ſubverting of the Laws*; the Evidence is, the *Article* proved: and though ſome one *Article* appears to be proved but by one; yet put the Evidence together, you ſhall never find it to be within the words or meaning of the Statute; for the Charge is proved by a hundred Witneſſes: and becauſe one part of the Evidence is proved only by one Witneſs, ſince, when you put them together, you will find a hundred Witneſſes, it is not within the words, nor meaning of the Statute, neither will his Counſel direct him to ſay ſo, I am confident.

My Lords, another obſervation I ſhall be bold to make, is, that he was pleaſed to caſt an aſperſion (as we muſt apprehend) upon them that are truſted by the Houſe of Commons this day, That we that ſtand here, alledged and affirmed things to be proved, that are not proved. He might have pleaſed to have ſpared that language; we ſtand here to juſtifie our ſelves, that we do not uſe to expreſs any language, but what our hearts and conſciences tell us is true; and howſoever he is pleaſed to caſt it upon us, I am confident I ſhall invert it upon himſelf, and make it appear, that he hath been this day guilty in the higheſt degree, of what he moſt unjuſtly layeth to our charge.

And now my Lords, to enter upon the particulars he hath been pleaſed to make it his general Theme to day (though he hath not ſpoke much to day but what he hath ſpoken formerly) that theſe particulars conſidered by themſelves *make not a Treaſon, and therefore put together, he wonders how they ſhould make a Treaſon: Several miſdemeanors can never make a murther, and ſeveral Murthers can never make a Treaſon; and he wonders it ſhould be otherwiſe in this Caſe.* My Lords, He did inſtance it (if my memory fails not) in a Caſe of Felony; *That if a bloody knife ſhould be produced in the hand of the party ſuſpected to have ſlain the man, if the party had been there ſeen before the death, it were a ſtrange Evidence; but there muſt be death in the caſe, the fact muſt be committed, elſe there can be no murther:* but he himſelf might anſwer himſelf, for there is a great difference; There cannot be murther but there muſt be death, but he knows very well there may be Treaſon and yet no death; it is too late to forbear queſtioning Treaſon *for killing the King, till the King be killed*: God forbid we ſhould ſtay in that Caſe, for the *very intention* is the Treaſon, and it is the *the intention of the death of the Law* that is in queſtion, and it had been too late to call him to queſtion, to anſwer with his life, for the death of the Law, if the Law had been killed, for there had been no Law then; and how ſhould the Law then have adjudged it Treaſon, when the ſame was ſubverted and deſtroyed? and therefore he is much miſtaken.

The greateſt Traytor, in the memory of any that ſits here to hear me this day, had a better, a fairer excuſe in this particular, than my Lord of *Strafford*, and that is *Guido Faux*; for he might have objected, that the taking of the Cellar, the laying of the Powder under the Parliament-Houſe, the kindling of the Match, and putting it near, are not ſo much as a miſdemeanor, if you look no further; for it was no offence in him to lay Barrels under the Parliament-Houſe, and to kindle the Match, and to lay it near; but collect all together, that it was *eâ intentione, to blow up the King and the State*, there is the Treaſon: but God be bleſſed it was not effected; ſo that the rule is the ſame. Nay, my Lord of *Strafford* hath not ſo much to ſay, when he is charged with a purpoſe and intention to ſubvert the Law; for to that purpoſe gave he traiterous Counſels, and executed actions, thereby diſcovering his intentions to deſtroy the Kingdom, and to deſtroy the King's claim by Law, and diſcent. It is true, they were not put in execution, but they declared his intentions; therefore this gives an anſwer to his firſt flouriſt, which is not ſo great an Argument as the greateſt Traytor might uſe for himſelf, and yet it proved Treaſon in him.

My

1641.

My Lords, he hath been pleaſed to divide his Treaſons into two parts, and his diviſion I allow of; that is, Treaſon by Statute-Law, as he terms it, though it be Treaſon by the Common-Law; and conſtructive Treaſon: And upon that method he hath recited the evidence produced on either part; Give me leave to follow and trace him a little, and afterwards to diſcharge my own duty in taking my own courſe, and repreſenting the evidence as it appears, truly; and I will avoid (as much as I can) to fall into my Lord of *Strafford*'s error, in miſ-reciting a *Particle*; if I do, it ſhall be againſt my will.

He begins with the Fifteenth Article, and pretends that that is not proved: The ground and foundation of that *Article*, was a Warrant iſſued out by himſelf to a Serjeant at Arms, one *Savill*, which gave directions and power to that Serjeant, to lay Soldiers on any perſon that ſhould contemn the Proceſs of the Council-board in *Ireland*; that was the effect: Now (ſays he) *this Warrant is not produced*, and adds, *That the Judges will tell your Lordſhips, that if a man be charged with any thing under Hand and Seal the Deed muſt be produced and proved, or elſe no credit is to be given to it.* Truly, my Lords, it is true, if it had been a Bond, or a Deed, where thoſe that Seal it, uſe to call their neighbours to teſtify, and be Witneſſes to it, perhaps it might be a colourable anſwer, that becauſe we do not produce the Deed, and prove it by Witneſſes, you can therefore give no credit to it: But my Lords, in caſe of authority to commit High Treaſon, I ſuppoſe my Lord of *Strafford*, nor any other, did call witneſſes to prove the Signing, Sealing, and Delivering of the Warrant for execution of High Treaſon; and therefore it is a new way and invention found out by his Lordſhip, for ought I ſee, to commit High Treaſon, and to give authority for it; and it is but taking away the original Warrant, and he ſhall never be touched for any Treaſon. But I beſeech your Lordſhips patience, till I come to open that Article, and your Lordſhips will find the Warrant, (though it be not produced,) proved by three or four Witneſſes, and his Hand and Seal proved too. And whereas he pretends the Serjeant at Arms is no competent Witneſs, becauſe he excuſes himſelf; my Lord miſtakes himſelf, for I take it to be no excuſe, to prove a Warrant from any perſon whatſoever, if it be to commit High Treaſon: and therfore *Savil*'s teſtimony is the more ſtrong, being ſo far from excuſing, that he doth accuſe himſelf: And though he is charged with laying of Soldiers upon the King's People, contrary to an expreſs Act of Parliament made in 18 *H.* 6. yet my Lord is pleaſed (I know not how to term it, whether it be merrily or otherwiſe) to uſe his Retorick, *Here is a great levying of War, when there is not above four Muſquetiers, or ſix at moſt, laid upon any one man.*

My Lords, it is a plain levying of War, and without all queſtion, and in all ſenſe, it is as much miſchievous to me to be ſurprized by four or ſix Muſquetiers, to enforce me to any thing they would have, as if there were an Army of Forty thouſand brought upon me; for if that ſtrength will but over-maſter me, it is all one to me, whether I be maſtered by four, or by four thouſand. And therefore let not this be a rule, that to ſend four, or ſix, or ten Muſquetiers up and down, is not conſiderable, becauſe of the ſmalneſs of the number (the danger is the ſame;) yet *this is no levying of War, becauſe they goe not in Troops of greater number*, as it pleaſes my Lord of *Strafford* to affirm.

My Lords, Your Lordſhips remember what the effect of the Warrant is ſworn to be, that howſoever the Serjeant at Arms, and his Miniſters that executed it, brought but four, or ſix, or ten, yet the Serjeant might have brought all the Army of *Ireland*, for there was authority ſo to do.

And admitting the matter of Fact proved, he mentions an Act of Parliament made 11 *Eliz.* whereby a penalty is laid upon men that ſhall lay Soldiers on the King's Subjects, *and yet* (as my Lord obſerves) *it muſt now be Treaſon in the Deputy.*

My Lords, The very caſting of an eye upon that Act, ſhews it to be as vainly objected, as if he had ſaid nothing; for in truth it is no other, than as if he ſhould ſay, *The King hath given me the Command of an Army in* Ireland, *and therefore I may turn them upon the bowels of the King's Subjects:* It is no more in effect.

Your Lordſhips heard him the other day mentioning two Acts of Repeal, and I expected he would have inſiſted upon them; but it ſeems he hath been better adviſed, and thinks them not worthy repetition, nor indeed are they. And if the matter of Fact be proved upon the Fifteenth *Article*, I am confident he will find the Statute of 18 *H.* 6. to be of full force.

My Lords, I am very ſorry to hear, that when levying of War upon the King's Subjects is in agitation, and he charged with High Treaſon, he ſhould make mention of the *Yorkſhire* men, and the Army now on foot, whereby he would inſinuate, that *if he be charged with High Treaſon, then they muſt be likewiſe,* though they lye quartered, and have meat and drink with the aſſent of the people; which may breed ill blood for ought I know.

From the Fifteenth *Article* he deſcends to the Three and twentieth, and that is the *Article* whereby he ſtands charged with *ſpeaking of Words, and giving of Counſel to His Majeſty, to incenſe him againſt His Parliament, pretending a Neceſſity, and telling him, He is looſe, and abſolved from all Rules of Government; That he had an Army in* Ireland, *which he might make uſe of to reduce this Kingdom.* In this he is pleaſed to begin with the Teſtimony of my Lord *Ranelagh*, conceiving an apprehenſion and fear in him, that the Army ſhould go over to *England*, which my Lord ſays, *is no more but his ſaying, and Mr. Treaſurer* Vane's.

I pray God my Lord *Ranelagh* had not much cauſe to fear; but by the ſame rule he may lay a charge of unwarrantable fear upon all the Commons; for ſure the the *Commons* of *England* did fear it, elſe they would not make an *Article* of it: but my Lord *Ranelagh*'s fear did not ariſe from a ſlight cauſe, and he ſhewed himſelf a good Common-wealths man in expreſſing it, and he is to be commended for it, howſoever it be apprehended by my Lord of *Strafford*.

For his obſervation of the ſingle Teſtimony of Mr. Treaſurer *Vane*, give me leave to take the ſame latitude as his Lordſhip did; for he ſhews to three or four Articles what he could have proved; as to the Article concerning the Army, *he could have proved the deſign of it by Sir* John Burlacy, *and ſome others if they had been here.* But by this rule and liberty, he hath taken to alledge what he could have ſhown, give me leave to tell you what we might have ſhown, and are ready to ſhow: we could have made it expreſs, and proved it by Notes, taken by Secretary *Vane*, the 5*th* of *May*, when the words were ſpoken; which Notes ſhould have been proved, if we had proceeded on the Three and twentieth *Article*, to corroborate the Teſtimony of Mr. Secretary *Vane*, and that by two Witneſſes. We could likewiſe have ſhown how we came to the knowledg of it, it being by means unknown to Mr. Secretary *Vane*, and have made him an upright Counſellor and Witneſs: but we ſhall prove his intentions to bring in the *Iriſh* Army another way, when I come to open my own courſe and method.

My Lords, he pretends theſe words were ſpoken the 5*th* of *May*, but when they were teſtified by Mr. Treaſurer, he did not ſpeak of the 5*th* of *May*, and yet now my Lord remembers the day: and I wonder how he came to the knowledge of the day, unleſs he likewiſe remembred the words.

But that my Lord obſerves, is, *That being ſpoken then, how ſhould he perſwade the King, that he had an Army in* Ireland, *when in truth he had none there? for the Army was not on foot till a month after.* This, my Lords, is plainly anſwered; and if he had thought of his own anſwer, he had anſwered himſelf: for he tells you, *That in* April *before, he had taken a courſe for the levying of the Army, he had nominated the Officers, giving direction for raiſing it: and the day of the Rendezvous of the Army was appointed the* 18*th of* May. And ſo in his own anſwer he makes an anſwer to the objection, and the objection is taken away out of his own confeſſion.

From that Article he falls to the Seven and twentieth Article, whereby he ſtands charged with *Levying Money by force upon the King's People in* Yorkſhire: he is pleaſed to obſerve, *that all the proof for the maintenance of that Article, is only the levying of Money by four Soldiers by Sergeant-Major* Yaworth; where he is pleaſed to diſdain the War, becauſe it was ſo weak; yet it was too ſtrong for them (God help them) that were forced upon pain of life to pay it. And whereas he pretends the Warrant was not from him, I ſhall reſerve that till I come to the Article, and when I come to the proofs, I believe it will remain fixed upon him.

And there he left his Statute-Treaſon, and now he falls to the ſecond kind of Treaſon, and that was the introductive or conſtructive Treaſon: He begins with the Third Article, that is, concerning ſome words that he ſhould be charged to have ſpoken in *Ireland*; and I ſhall deſire that your Lordſhips would be pleaſed to look upon your Notes, how he anſwers that Article; *My Lords*, ſays he, *I am charged to ſay that* Ireland *was a Conquered Nation, and that their Charters were nothing worth, and bind the King no further than he pleaſeth; therefore I am a Traytor becauſe I ſpeak the Truth.* There was his Anſwer in his Collection. And for their Charters he ſays, *He might very well ſay ſo, for he intended it no otherwiſe, but according to the validity of them, for they were ſeveral ways queſtionable, and ought not to bind unleſs they were good in Law.* But if you look upon his Arguments, he hath like a cunning Orator, omitted the principal part of the Article; and that is, *That* Ireland *is a Conquered Nation, and they were to be governed as the King pleaſeth, the King might do with them what he liſt*; this he omits, although they be proved by three Witneſſes, and are appliable to his intentions fully; yet he could make uſe of ſo much as makes for him, and leaves out the reſt, like your Lordſhips know whom.

Then he deſcends to the Fourth Article, and this concerns ſome words he ſhould ſpeak, upon an occaſion betwixt him and my Lord of *Cork*, that he ſhould tell my Lord of *Cork*, *He would have neither Law nor Lawyers diſpute or queſtion his Orders.* And upon another occaſion, *That he would make my Lord of* Cork, *and all* Ireland *know, That all Acts of State* (which are Acts of Council) *there made, ſhould be as binding as any Act of Parliament:* This he ſaid was proved but by one Witneſs: and I extreamly marvel to hear him ſay ſo; for the latter words we proved by four, or five, or ſix Witneſſes, that is, *That he would have Acts of State, as binding as Acts of Parliament.* Whereas he ſayes, theſe are all the words produced againſt him in the time of Seven Years Government there; your Lordſhips have heard of many words, and if we would trouble your Lordſhips further in this kind, we could prove ſuch words ſpoken, as often almoſt as he remained dayes in *Ireland*, that is, for the miſ-recital. The other part two Witneſſes proved; but the reſidue, *That they muſt expect Law from the King as a Conqueror, That Acts of State ſhould be equal to Acts of Parliament; and when an Act of Parliament would not paſs, he would make it good by an Act of State*: Theſe ſpeeches at other times were proved by five Witneſſes.

Then he falls back to the Second *Article*, touching the words, *That the King's little finger ſhould be heavier than the loins of the Law.*

My Lords, Theſe words were proved expreſly by five Witneſſes, to be by him ſpoken; and if he had produced five hundred that had ſaid he did not ſpeak them, they had not been equivalent to diſprove five; but he produces none. Sir *William Pennyman* repeats other words, and inverts them, and none but he. Another party, a Miniſter, reports a report that he heard concerning theſe words, but my Lord, he ſaith, the occaſion of the ſpeaking of them was not mentioned. Truly perhaps it might be the forgetfulneſs of my Lord's memory, but let me put him in mind; and your Lordſhips remember that the occaſion was expreſt by one, and that is Sir *David Fowles*, *that he laying a Command upon Sir* David, *to Repair a Bridge, and calling him to an account why it was not repaired, Sir* David Fowles *told him he could not do it by Law.* And therefore omitting it, my Lord ſaid to him, *Sir, ſome are all for Law and Lawyers, but you ſhall know, that the King's little finger will be heavier than the loins of the Law.* Here is the occaſion, though he would have another buſineſs, the Knighting Money to be the occaſion.

From the Second he falls to the Three and twentieth *Article*, that is, concerning words, that he ſhould counſel His Majeſty, that *he might uſe His Prerogative as he pleaſed*; but in ſaying there was no proof offered, he here begins to fall upon the other fallacy, that is, to pull things aſunder (whereas we produce them together) and would make that which is a *Fagot*, to be but a ſingle *Stick*; but, under favour, when I come, with your Lordſhips patience, to open the force of the proofs, and put them together, he ſhall find (contrary to his expectation) that they are fully proved by the Teſtimony of many Witneſſes, upon conſideration of the precedent, concurrent, and ſubſequent Acts and Intentions of my Lord of *Strafford*.

I ſhall not now run over my Lord Primate's Teſtimony, or my Lord *Conwaye*'s, or Maſter Treaſurer's, or my Lord of *Briſtol*'s, but make uſe of them in their proper places, when I ſhall put all together, to ſhew his deſign, and to prove his ſpeaking of the words.

Then he comes to the Five and twentieth Article, which I ſhall not inſiſt on, though he pretends it not proved; I ſhall refer that to my recollection, that I may not anſwer to his pieces, but bring all together, and then the horror of his Fact ſhall more ſpeciouſly appear. Only this (under favour) I cannot paſs over, when he comes to juſtify an Advice and Counſel of the King's being looſe and abſolved from all rules of Government, and that he might uſe his Prerogative as he pleaſes, he is pleaſed to mention the Argument of the Judges in the Ship-Money, and what they ſhould deliver, he makes the Warrant of his Counſel. Now your Lordſhips may obſerve, he would Juſtifie his Actions by Law, in ſome caſes, where it is to his advantage, but in other caſes he muſt be ignorant of the Law.

But my Lords, for him to mention any thing in the Argument of the Judges, concerning the Ship-money, which is now condemned, and to make that a ground of his Counſel and advice to the King, and not the Judgment in truth, but the Argument of the Counſel at Bar, that therefore he is looſe, and abſolved from all rule of Government; for him to make the Parliaments deferring to give ſupply, to be that neceſſity which was inſiſted upon in the Counſels Argument, and to be ſuch an unavoidable neceſſity, as to beget an Invaſion upon Propriety and Liberty, it reſts in your Judgments, and the Judgments of all that hear me, what Argument this is, and what he declares his opinion to be this day.

In the latter part let me cloſe hands, and agree with him; he ſayes, Proofs muſt be taken by themſelves, they muſt not be Judged by pieces, but together; and now in good time I ſhall joyn with him, and ſhall deſire the ſame Judgment, that things may not be taken aſunder, but Judged together according to his own words.

For the twentieth Article, he is thereby charged with *being an Incendiary between both Nations, and an occaſion of drawing two Armies into this Kingdom, and to incenſe the War.*

My Lords, I remember (if I did not miſ-conceive, and my memory miſprompt me) my Lord ſaid, *He could have no occaſion to incenſe a War, being a man of an Eſtate, and ſhould have no benefit by it, having ſufficient to live without it*: but in due time I ſhall make it appear, to my apprehenſion, and I believe to your Lordſhips, when you have heard it, that the incenſing of this War, and provoking of it, was the principal inſtrument of bringing to paſs his deſign of ſubverting the Laws, through the whole work of it.

My Lords, in the paſſage of this, he takes occaſion to ſpeak of the Teſtimony of Mr. Secretary *Vane*, who teſtifies, *That my Lord was for an Offenſive and himſelf for a Defenſive War*: Whence my Lord argues, here is no great difference, for both were for a War: But my Lord, Is there no difference between an offenſive and defenſive War, in caſe of Subjects that live under one King? is there no difference to bring an Army to offend them, and for the King to raiſe a force to defend himſelf? truly I think there is a great difference and a very material one too: but your Lordſhips ſee he makes no difference between them.

My Lords, In the four and twentieth Article he mentions, *That he is charged with being an occaſion to break the Parliament*, and lays hold of that, as in the other Articles, *That it was not proved, but declined.* My Lords, when he ſhall hear the repetition of the Evidence, though part of the Article was not particularly inſiſted upon, yet I believe it will appear to your Lordſhips, and the world, that he was the occaſion of breaking the laſt Parliament, and it is expreſly proved by Witneſſes enough; and though he ſayes, *How ſhould any body think him an occaſion of it, that did ſo often adviſe Parliaments?* yet I ſhall ſhew anon, that when he did adviſe them, it was to compaſs his own Deſign and Plot, without which, his ends could not be brought to paſs.

He came from the four and twentieth Article, to the Seven and twentieth, and he anſwers againſt that Article, *That when Armies are in the Field, men cannot walk ſo peaceably, as an Attorney with his Box and Papers in* Weſtminſter Hall. I know not what he means; but when two Armies are in the Field, they may raiſe War againſt the King's People, as well as the King for his juſt defence; it is the way to make his people terrified with Armies, and to avoid them as a Serpent, and therefore it is a dangerous aſperſion, as I conceive.

1641.

With theſe he concluded, except ſome things that he took, by way of artificial inſinuation, to perſwade your Lordſhips, *That it was dangerous to raiſe a Treaſon that had lain aſleep, I know not how many hundred years, and create a Treaſon.* A ſtrange thing indeed it is, *That a man ſhall be charged with a Treaſon for ſubverting the Law!* A ſtrange thing that one ſhould be charged with Treaſon for killing a Juſtice ſitting in the Seat of Juſtice, and yet it ſhould be no Treaſon to deſtroy King, and Kingdom, and People, and all; all which are deſtroyed, if the Law be ſubverted.

And now having touched upon what he hath ſpoken, with your Lordſhips good favour, I ſhall crave leave to run the courſe I have propounded with my ſelf: and that very briefly; that is, upon the whole matter, to ſhew how far the Evidence, produced on the Commons part, doth prove the Charge.

My Lords, *That laid to his Charge, is a deſign and purpoſe to ſubvert the fundamental Laws of two Kingdoms, and to introduce an Arbitrary and Tyrannical Government*; not that he did effect it, but that he did intend it: for if he had done it, it had been too late to queſtion it, he had left no rule whereby to call him to Tryal; but his intention and his endeavour are his Charge.

My Lords, How far this is proved, if your Lordſhips be pleaſed to call to mind the Articles and the Evidences produced on the Commons part, your Lordſhips will find, I believe, that his Words, his Counſels, and his Actions, do ſufficiently prove his endeavouring to deſtroy.

In the firſt Article, where my Lord of *Strafford* hath the firſt opportunity offered him to put this endeavour in execution (that is the firſt place of eminency amongſt his other Places and Commands, which I take it was his being made Preſident of the North) he is no ſooner there, but there be inſtructions procured to enable him to proceed in that Court, almoſt in all Cauſes; for a man can ſcarce think of a Cauſe, which is not comprehended within the Inſtructions obtained after his coming thither: but I ſhall put your Lordſhip in mind of two clauſes of the Inſtructions procured in the Eighth year of this King, and after he was Preſident; that is, the Clauſe of *Habeas Corpus*, and *Prohibitions*; that no man ſhould obtain a *Prohibition*, to ſtay any Suit that ſhould be commenced before him, in the Council of *York*; That if any man ſhould be impriſoned by any Proceſs out of that Court, he muſt have no *Habeas Corpus*. A *Prohibition* is the only means to vindicate the eſtate of the Subject, if it be queſtioned without Authority. A *Habeas Corpus* is the only means to vindicate his Liberty, if he be detained without Law: but theſe doors muſt be ſhut againſt the King's Subjects, that if either they be queſtioned, or reſtrained before him, there muſt be no relief. How far he could go further I am to ſeek, there being no means for the Subject to relieve himſelf, if he be queſtioned for his Eſtate without Authority; no means to redeem himſelf, if his perſon be impriſoned without Law. And he had ſo incircled himſelf about, that if the Judges ſhould find the party that returns not the *Habeas Corpus*, according to Law, there was a Power, and a Warrant, by the Inſtructions, to the Barons, to diſcharge the Officers of that Fine. And now I refer it to your Lordſhips judgments, Whether this be not to draw an Arbitrary Power to himſelf.

For the execution of this Power, it is true, it is proved to be before the Inſtructions in the Eighth year of the King; but then it riſeth the more in judgement againſt him; for your Lordſhips have heard how he went into a grave Judge's Chamber, blaming him for giving way to a *Prohibition*, granting Attachments againſt one that moved for a *Prohibition*; and though this was done before the Inſtructions were granted, yet the Inſtructions coming at the heels of it, ſheweth his diſpoſition and reſolution more clearly, for he acts it firſt, and then procures this colour to protect it: and though he pretends there was no proof, yet I muſt put your Lordſhips in mind, that when theſe things were in queſtion, concerning the apprehenſion of a Knight, by a Sergeant at Arms, he kneels to His Majeſty, *That this defect might be ſupplyed, and this juriſdiction maintained, elſe he might go to his own Cottage.*

And here being the juſt commencement of his greatneſs, if you look to the ſecond, it follows, That at the publick Aſſizes he declared, *That ſome were all for Law, but they ſhould find the King's little finger heavier than the loins of the Law.* He did not ſay it was ſo, but he infuſed it as much as he could into the hearts of the

King's People, *that they ſhould find it ſo*; and ſo he reflects upon the King, and upon his People; the words are proved: And to ſpeak them in ſuch a preſence, and at ſuch a time, before the Judges and Countrey aſſembled, they were ſo dangerous, and ſo high expreſſions of an intention to counſel the King, or act it himſelf, to exerciſe an Arbitrary Government, above the weight of the Law, as poſſibly could be expreſt by words. And this is proved by five Witneſſes, and not diſproved, nor is any colour of diſproof offered, but only by Sir *William Pennyman*, who ſays, *he heard other words*, but not that *he heard not theſe words*; If he doth, he muſt give me leave not to believe him; for five affirmations will weigh down the proof of a thouſand negatives.

He ſtays not long in *England* with this Power (though while he ſtays, you hear how he vexes the Subject) but then he goes into *Ireland*, and as his authority increaſes, ſo he ampliates his deſign; and no ſooner is he there, but the third *Article* is laid to his charge; That when the City and Recorder of *Dublin*, the principal City of *Ireland*, preſented the Mayor, upon a ſolemn Speech and Diſcourſe concerning the Laws and Liberties (as your Lordſhips know that is the ſubject matter of a Speech at ſuch preſentments, as when the Lord Mayor of *London* is preſented to the King) I beſeech your Lordſhips, obſerve the words he then uſed, *They were a Conquered Nation*, and that we lay not to his charge, *but they were to be governed as the King pleaſes, their Charters were nothing worth, and bind but during the King's pleaſure.*

I am to ſeek, if I were to expreſs an Arbitrary Power, and Tyrannical Government, how to expreſs it in finer words, and more ſignificant terms than theſe, *That the People ſhall be governed at the King's Will, that their Charters*, the ſinews and ligatures of their Liberties, Lands, and Eſtates, *ſhould be nothing worth, and bind no longer than the King's pleaſure*, eſpecially being ſpoken *upon ſuch an occaſion*, and the words proved by two or three Witneſſes of Credit and Quality.

From thence we deſcend to *Articles*, that ſhew the execution of his purpoſe. There are three things a man enjoys by the protection of the Law; that is, his Life, his Liberty, and his Eſtate. And now, my Lords, obſerve how he invades, and exerciſes a Tyrannical Juriſdiction, and Arbitrary Government over them all three. I ſhall begin with the fifth *Article*, that is concerning my Lord *Mountnorris* and *Denwit*. My Lord *Mountnorris*, a Peer of that Realm, was ſentenced to death by procurement of my Lord of *Strafford*; who, howſoever he pretends himſelf not to be a Judge in the cauſe, yet how far he was an Abettor, and Procurer, and Countenancer, and drawer on of that Sentence, your Lordſhips very well remember; he was ſentenced to death without Law, for ſpeaking words at a private Table, God knows, of no manner of conſequence in the World, *concerning the treading upon my Lord of* Strafford'*s Toe*; the Sentence procured ſeven months after the words ſpoken, and contrary to Law, and himſelf being put in mind of it, my Lord *Mountnorris* deſiring to have the benefit of the Law, and yet he refuſing it.

And then it was in time of Peace, when all the Courts of Juſtice were open, and to ſentence a man to death of that Quality, my Lord of *Strafford* himſelf being preſent, an author, a drawer on of it, makes it very hainous. Your Lordſhips remember this *Article* was fully proved, and though he pretends His Authority by a Letter from His Majeſty, I ſhall in due time give a full anſwer to that, ſo that it ſhall riſe up in Judgment againſt him, to aggravate his offence, and that in a great meaſure.

Here he exerciſes a power over Life, his excuſe was, *That he procured a Pardon for my Lord* Mountnorris; but the Power was exerciſed, and the Tyranny appeared to be the more; *He would firſt ſentence him to death, and then rejoyce in his Power*, that he might ſay, *There remains no more but my Command to the Provoſt Marſhal to do execution.* To exerciſe a power over his life, and to abuſe him afterwards, is very high; but no thanks to him that the Sentence of Death was not executed; it was the Grace and Goodneſs of His Majeſty, that would not ſuffer my Lord *Mountnorris*, a Perſon of that Eminence, to be put to death againſt Law.

But the other was hanged, and as appears, againſt Law; and though my Lord pretends the party was burnt in the hand, yet that was not proved, nor material: and for him to do this in time of Peace, when the Courts of Juſtice were open, it argues a deſire in his Breaſt, to arrogate a Power above Law.

1641.

And in truth I may not omit ſome obſervations that my Lord made this day; *He hopes His Majeſty would be pleaſed to grant him a Pardon.* I perceive he harboured in his thoughts, that he might hang the King's Subjects when he would, and then get a Pardon of courſe for it. The Lord bleſs me from his Juriſdiction.

My Lords, give me leave to go back again, here is Power over the Lives and Liberties of the Subject; but he exerciſed likewiſe a Tyrannical Power over his Eſtate. Your Lordſhips may be pleaſed to remember the fourth *Article*, where he judges my Lord of *Cork*'s Eſtate, in neither Church-land, nor Plantation-land, and therefore had no pretence of a Juriſdiction; for it is a Lay Fee devolved by Act of Parliament to the Crown; yet he deprives him of his poſſeſſion, which he had continued for Twenty nine years, upon a Paper-Petition, without Rules of Law. And whereas my Lord of *Cork* went about to redeem himſelf (the Law being every man's Inheritance, and that which he ought to enjoy) he tells him, *He will lay him by the heels, if he withdraw not his Proceſs*: and ſo when he hath judged him againſt an expreſs Act of Parliament, and Inſtructions, and bound up a great Peer of the Realm, he will not ſuffer him to redeem that wrong, without a threat of *laying him by the heels, and he will not have Law nor Lawyers queſtion his Orders; and would have them all know, an Act of State ſhould be equal to an Act of Parliament*: which are words of that nature, that higher cannot be ſpoken, to declare an intention to proceed in an Arbitrary way.

The next was my Lord *Mountnorris* his Caſe, and *Rolſtone*. And here I muſt touch my Lord with miſrepetition. *Rolſtone* preferred a Petition to my Lord-Deputy, my Lord-Deputy himſelf Judges his Eſtate, and deprived him of his poſſeſſion, though he cannot produce ſo much as one example, or precedent (though if he had, it would not have warranted an illegal action) but he cannot produce a precedent, that ever any Deputy did determine concerning a man's private Eſtate; and if he hath affirmed it, he proved it not: ſome Petitions have been preferred to him, but what they be *non conſtat*. But though never any knew the Deputy alone to determine matters of Land, yet he did it.

To the Seventh *Article* we produce no Evidence; but my Lord of *Strafford* cannot be content with that, but he muſt take upon him to make defence for that which is not inſiſted upon as a charge; but ſince he will do ſo, I refer it to the Book in Print, where he determines the Inheritance of a Nobleman in that Kingdom, that is, my Lord *Dillon*, by a Caſe falſly drawn, and contrary to his conſent; and though he deprives him not of his poſſeſſion; yet he cauſes the Land to be meaſured out, and it is a danger that hangs over his head to this day. And had we not known that we had matter enough againſt my Lord of *Strafford*, this ſhould have riſen in judgment againſt him; but I had not mentioned it now, if he had not mentioned it himſelf.

The Eighth *Article* contains ſeveral charges, as that of my Lord Chancellor, *How he impriſoned him upon a Judgment before himſelf and the Council, how he inforced the Seal from him when he had no Authority; nay, though it were excepted by his Patent, that he ſhould no way diſpoſe of it*; but he looked not to Authority, further than might make way to his Will.

Another concerns the prime Earl of that Kingdom, my Lord of *Kildare*, whom he impriſoned, and kept cloſe priſoner, contrary to the King's expreſs command for his deliverance; and in his anſwer my Lord acknowledges it, but ſayes, That *that Command was obtained from the King upon a miſ-information*.

Theſe things I would not have mentioned, if he had paſſed them over; but ſince he gives them in, give me leave to mention and ſay, we had a ground to put them into Charge, and could have proved them, if there had been need, punctually and expreſly, and I believe, little to my Lord's advantage.

But your Lordſhips, I think, do remember my Lady *Hibbots* Caſe, where the Lady *Hibbots* contracts with *Thomas Hibbots* for his Inheritance, for 2500*l.* executes the Contract by a Deed, and Fine levied, depoſits part of the Money, and when a Petition was exhibited to the Lord-Deputy and Council for the very Eſtate, your Lordſhips remember how this came in Judgment before my Lord-Deputy; there was but a Petition delivered, there was an anſwer made, and all the ſuggeſtions of the Petition denyed; yet my Lord ſpake to *Hibbots* himſelf, that was willing to accept the Money, *not to decline the way that he was in by Petition, Five hundred pound more will do him no hurt to carry into* England *with him*:

and yet, without examination of a Witneſs, a Decree was made to deprive this Lady of her Eſtate: and the purchaſing of this Land by my Lord of *Strafford*, was proved by two Witneſſes, though not abſolutely, yet by confeſſion of Sir *Robert Meredith* and others, whoſe names were uſed in Truſt for my Lord of *Strafford*, and that it proved according to my Lord of *Strafford*'s Prophecy: for the man had five hundred pounds gain above the Contract with my Lady *Hibbots*.

But after the Lands were ſold for Seven Thouſand Pounds: ſo that the Lady *Hibbots* offence was her making of a bargain, whereby to gain Five hundred pounds; but there was no offence in my Lord, to make a bargain for Three thouſand pounds, and to gain Four thouſand pounds preſently: this you ſee proved by *Hibbots* tye party, and by Mr. *Hoy*, the Son of the Lady *Hibbots*.

So that here is a determination of a Cauſe before the Council-Table, touching Land, which was neither Plantation, nor Church-Land, without colour of the Inſtructions, contrary to Law, to Statute, to Practice; and if this be not an exerciſing of an unlawful juriſdiction over the Land and Eſtates of the Subject, I know not what is.

In his anſwer to this Caſe he did open it (yet whether he miſtook or no I know not) that he had a Letter from the King, but he produces none in evidence; and that is another miſrecital. I am ſorry he ſhould miſ-recite, and fix it upon the Perſon of His Soveraign in a caſe of this nature.

Now he falls more immediately upon the Liberty of the Subject, and that is by the Warrant mentioned in the Ninth *Article*, to be iſſued to the Biſhop of *Down* and *Conner*, whereby he gives power to him and his Officers, to apprehend any of the King's Subjects that appeared not upon Proceſs out of his Eccleſiaſtical Courts, expreſly contrary to Law; and your Lordſhips have heard how miſerably the King's Subjects were uſed by this Warrant, as hath been proved by a Gentleman of Quality, Sir *James Montgomery*: and howſoever he pretends it was called in, it was three whole years in execution, before it was called in, and though he pretends his Predeceſſors did ordinarily grant Warrants of that nature, yet he proves no ſuch thing.

My Lord Primate was examined, and he ſayes, that Biſhop *Montgomery* did tell him there was ſuch a Warrant, and one Witneſs more ſpeaks of one Warrant, and that is all the Witneſſes produced, and that but to be a Copy too. Your Lordſhips have heard how he exerciſes his juriſdiction and power over particulars, and that in a numerous manner; now your Lordſhips ſhall find it univerſal, and ſpread over the face of that Kingdom that was under his juriſdiction, and that is in the tenth *Article*, which concerns the Cuſtoms: where he doth impoſe upon the King's Subjects a Rate and Tax againſt Law, and enforces them to pay it, or elſe puniſhes them for it; which is expreſly an arrogating to himſelf of a juriſdiction above the Law.

My Lords, in his anſwer he pretends that *this is rather a matter of Fraud than otherwiſe*: in truth and ſo it is, and that a great one too. But as it is a fraud, a diſ-ſervice, and deceit to his Majeſty, ſo it is likewiſe an exerciſe of a Tyrannical Juriſdiction over his Subjects. That it is a fraud to his Majeſty, it plainly appears, for the King loſt exceedingly by it; whereas before the Rent afforded the King was 11050 *l.* there was improved by the new Leaſe, that my Lord of *Strafford* took but 1350*l.* and I beſeech your Lordſhips obſerve how much the King loſt by it; for my Lord had comprehended in his new Leaſe the Impoſt of Wine, for which the King before that time received 1400 *l.* a year; and likewiſe the Cuſtom of *London-derry*, *Colerane*, and *Knockfergus*, for which the King had reſerved 1700 *l*, a year, beſides the moity of the ſeiſures: ſo here is 5000 *l.* that the King loſt of the old Rent expreſly: and if your Lordſhips pleaſe, obſerve the gain and benefit my Lord of *Strafford* made by it; in one year he and his ſharers received 39000 *l.* and in the laſt year 51000 *l.* and that expreſly proved upon two accounts: and if this be his dealings, where is his ſervice to the King in his pretence to advance the Cuſtoms?

It is true, he ſays, *The King has five eighth parts*, but it was but within theſe two years, the King had it not before. And I would very gladly have heard whether the King received his part of an account of 55000 *l.* if he had received it, I believe we ſhould have heard of it.

My Lords, There is ſomething more; here is a new impoſition on the King's People without Law, and yet I will do my Lord of *Strafford* no injury: but I tell you how the proof ſtands; It was a Book of Rates framed before he came to the farm, for the Book of Rates was in *March*, and the date of his Aſſignment was in *April* following; and therefore my Lord ſaith, *It could not be for his benefit.* But, my Lords, all this while my Lord of *Strafford* was in *England*, and in agitation for the procuring of it, and they come one upon the heels of another, and I beſeech you obſerve *cui bono*; the Book of Rates was procured within a month of the Patent, but God knows whether it were not within the compaſs of his intentions to take the Patent; and therefore whether he were not the Inſtrument of raiſing Rates, it reſts in your Lordſhips Judgment, and all that hear me; I am ſure the benefit redounded to himſelf: and ſo here is an Arbitrary Government in impoſing and forcing to pay,for that I deſire your Lordſhips to take with you; and he might as well have raiſed Nineteen ſhillings on a pound, as nine pence or three pence, by the ſame rule of Law.

The next *Article* in number was the Eleventh, and I would be glad my Lord had not mentioned it; it concerns the Pipe-ſtaves, wherein he pretends he did the King great Service, *and that*, he ſays, *was the reaſon of our paſſing over it*: but that was not the reaſon; it had been a foul buſineſs if we had opened it; but having enough beſides, we made not uſe of it: for the ſubſtance of the proofs by multiplicity of Witneſſes had been, that the parties themſelves that bought the Pipe-ſtaves for Four pound odd money, were fain to ſell them to his Inſtruments for Six pounds, and after to buy them again for Ten pounds, elſe there muſt be no Licence to Export them: but that I would not have mentioned, if he had let it ſlip over.

I come to the Twelfth *Article*, and that is concerning the *Tobacco*, wherein he pretends *the King's Service*, and, if my memory fail me not,*the deſire of the Parliament*, *that he ſhould take this into his hands for the King.*

My Lords, Therein, under his favour, he hath miſ-recited the Evidence, and ſpoken that he cannot juſtifie; for he can ſhew no ſuch deſire of the Parliament. It is true, there was a deſire of the Parliament, that the King would be pleaſed to take his Cuſtoms into his hands, for the advancement of his Revenue, that it might go to maintain himſelf, and he might not be abuſed, and others live by it; but to take the Tobacco into his hands, he never did, nor can produce a Witneſs to prove ſuch their deſire; and therefore, under favour, he fixes a wrong upon the Parliament, and injures your Lordſhips by his reciting that he neither did nor can make good; for there was no ſuch thing.

But if you obſerve the courſe he takes, he makes Proclamation to hinder the importing of *Tobacco* into *Ireland*; that if it be imported, it muſt be ſold to him at his own rate; and by theſe means he firſt hinders the liberty of the Subject from doing what the Law allows him, and ſo takes on him an Arbitrary Power; And Secondly, he ingroſſes this commodity to himſelf, deceiving His Majeſty, to whom he profeſſeth ſo much fidelity; for whereas there is 5000 *l.* Rent to the King, he, by the computation of Merchants, receives near 14000 *l.* a year: And becauſe their computations are not alwayes true, I do not care if I allow him 40000 *l.* miſtaken, and then he will gain near 100000 *l.* ſo that if he intends the King's benefit, it is wonder he told not his Majeſty of the great profit that might thereby have riſen, and let him partake of it, as in Juſtice he ſhould have done, according to the Truſt repoſed in him: but you have heard of no ſuch matter. And ſurely my Lord of *Strafford* would not have omitted it, if it had been for his advantage, eſpecially in this preſence, where he omits nothing to clear himſelf, or to inſinuate with his Majeſty.

Now I come to the Thirteenth *Article*, the *Article* concerning Flax, which I know is freſh in your Lordſhips memories, and I believe will be ſo in the memories of the Subjects of *Ireland* for many years, how he ingroſſed it into his hands, and interrupted the Trade of the poor people, whereby ſuch miſeries and calamities befell many of that Nation, that as you have heard it proved, thouſands dye in ditches for want of Bread to put in their mouths. And whereas he pretends that this was proved but by one Witneſs, and that man to be impriſoned, and of no Credit, though he was his own inſtrument; your Lordſhips remember Sir *John Clotworthy* his teſtimony, and anothers, and his own Warrant produced, and acknowledged here to juſtifie the execution of it, and ſuch a thing was thereby taken into his own hands, that I profeſs I never heard the like, that the poor people ſhould be conſtrained to uſe their own as he pleaſed, and that pleaſing of himſelf laid an impoſſibility on the people to execute his pleaſure, which was a bondage exceeding that of the Iſraelites under the Egyptians; for there was not laid ſo much upon the Children of *Iſrael*, but there was a poſſibility to perform; they might with much labour perchance get ſtubble to burn their Brick, but the Natives here muſt have a charge laid upon them without poſſibility to perform, and the diſobedience muſt coſt them no leſs than the loſs of their Goods, which drew with it even the loſs of their lives for want of bread. This was not proved by only one Witneſs, but by many. And your Lordſhips remember the remonſtrance of that Parliament of *Ireland*, which declares it to a greater height than I have opened it.

The Fifteenth *Article*, is that of *Levying War upon the King's Subjects*, expreſly within the Statute of 25 *Edw.* 3. and 18 *H.* 6. Your Lordſhips have heard the Warrant proved by the party himſelf, to whom it was directed; whereby Power was given to lay Soldiers upon any party, that did not obey my Lord of *Strafford*'s Orders at the Council-Table, but not to circumſcribe him to a certain number; but the Sergeant at Arms and his Miniſters, might lay as many as they would. It is true, this Warrant was not it ſelf produced, but a copy was offered, which was not read; and therefore I will not offer it to be proved, but the party that executed the Warrant it ſelf, proves it to be under the Hand and Seal of my Lord of *Strafford*, he proves the expreſs authority of it, which was to the effect I opened; three or four more, who ſaw and read it, proved the ſame: and that it was under the Hand and Seal of my Lord of *Strafford*, that accordingly it was executed upon divers of the King's Subjects; it was proved by three Witneſſes expreſly in the point, how by colour of this Warrant the Sergeant at Arms, and his Officers, ſent Soldiers to lye in the Houſes and Lands of the King's Subjects; how the Owners were thereby forced out from their own Habitation; how their Goods were waſted and devoured, their Corn and Victuals eaten up, and the Soldiers never left them, as long as any part of their Eſtates remained to maintain them.

My Lord of *Strafford*'s defence is, *That it hath been uſed before his time in* Ireland; wherein he hath again miſrecited; for he did not offer a proof, nor a particle of a proof, that ever any man did know Soldiers laid upon any party, for refuſing to appear to a Warrant, or for other contempt at Council-Table, before himſelf did it; but he offered to prove, *That formerly Soldiers were ſent againſt Rebels, and that after they were declared to be Rebels, and that juſtly too*; and he proved an uſe and cuſtom to force men to pay Contribution-money, due to the King, but that was by conſent of the people, who granted a Contribution of 20000 *l.* a year, for increaſe of the King's Revenue; and that it might not be upon Record in the *Exchequer*, and ſo claimed as due in time to come, they conſented, that Soldiers ſhould be laid upon them that refuſed it; and the word (*Conſent*) is within the Statute of 18 *H.* 6. Again, did he prove all manner of Rents were levyed by Soldiers? no ſuch thing; but ſuch Rents as were deſigned for the payment of the Army: he proved by Sir *Arthur Terringham*, the laying of Soldiers once for the payment of a ſumm of Money; but Sir *Arthur* being demanded whether it were the King's Rents, or comprehended within the ſame general Rule, he could make no anſwer thereunto.

Your Lordſhips remember, he ſays, *He did not know it, and therefore probably it was the King's Rents*; and doubtleſs it was ſo.

But if he had produced Precedents, it could not be an authority for Treaſon, that if people did not appear to his Orders, he muſt levy War againſt the King's Subjects; and for his extenuation of the War, that the ſame was of no great danger, there being not above five or ſix Soldiers laid at a time. I would to God, the people oppreſſed by it, had cauſe to undervalue it: I am ſure four or ſix Muſqueteers are as ſtrong to oppreſs a man, as four thouſand; ſo the matter of Fact is ſtrongly and expreſly proved. Beſides, though there came not above four or five to a houſe, yet the authority given to the Sergeant was general; he might have brought more if he had liſted: and in truth, he brought as many as the Eſtate of the party would maintain.

And as to the not producing of the Warrant, I have already anſwered it. If it were in the Caſe of a Deed wherein men call for Witneſſes, it were ſomething; but God forbid that the Treaſon ſhould be gone, and the Traytor not queſtionable, if his Warrant can be once put out of the way.

The next *Article* which is laid to his Charge, is, *For iſſuing out a Proclamation, and Warrant of reſtraint, to inhibit the King's Subjects to come to the Fountain*, their Soveraign, to deliver their complaints of their wrongs and oppreſſions. Your Lordſhips have heard how he hath exerciſed his juriſdiction, and now he raiſes a battery to ſecure and make it ſafe. If he do wrong, perhaps the complaint may come to the Gracious Ears of a King, who is ready to give relief, and therefore he muſt ſtop theſe cries, and prevent theſe means, that he may go on without interruption; and to that end he makes Propoſitions here, *That the King's Subjects in* Ireland *ſhould not come over to make complaint againſt Miniſters of State, before an Addreſs firſt made to himſelf.* It is true, he makes a fair pretence and ſhew for it, and had juſt cauſe of approbation, if he intended what he pretended; But as ſoon as he came into *Ireland*, what uſe made he of it? he ingroſſes the proceedings of almoſt all the Courts of Juſtice into his own hands, and ſo pre-poſſeſſes the King by a colourable propoſition, and prevents their coming over before they had made their addreſs to himſelf, and then he becomes the wrong doer, and iſſues Proclamations for the hindring of the King's Subjects to ſeek redreſs without his leave; which is as great a proof of his deſign, and as great an injury to the people, governed under a Gracious Prince, as a heart can conceive. And what his intention was in exhibiting this Propoſition, it will appear in the ſentence of a poor man, one *David*, who was cenſured, and moſt heavily Fined for coming over into *England* to proſecute complaint againſt my Lord of *Strafford*. It is true, that this was not the cauſe expreſſed, but this was the truth of the matter. Your Lordſhips remember a clauſe in the Order at Council-Board, whereby is ſet forth the cauſe wherefore the party is not Sentenced, which I never ſaw in an Order before, nor ſhould now, but that my Lord foreſaw there was danger in it, that he might be charged in this place for the fact; and therefore puts in negatively, why the party was not *cenſured*, *Clauſula inconſulta inducit ſuſpitionem*, And how defends he this Article? he ſayes, *his predeceſſors iſſued Proclamations to hinder the King's Subjects from going over, leſt they ſhould joyn with* O-Neal, *and* Tirconnell *beyond Sea, and ſo it might be dangerous to the State*; but becauſe they may joyn with Forraigners, ſhall they therefore not come to the King to make juſt complaint? What this argument is, I refer to your Lordſhips judgments.

Then he pretends a former precedent, affirming that the like inſtructions were given to my Lord of *Faulkland*; but was there any, that none ſhould come to their Soveraign, to make their juſt appeal if injured? Surely there was never any ſuch Inſtruction before, and I hope never will be again.

The next *Article* is the Nineteenth: and now when he had ſo plentifully exerciſed his Tyranny over the lives, the liberty, and the Eſtates of the King's Subjects; A man would think he could go no further: But ſee a Tyranny exerciſed beyond that, and that is over the Conſciences of men: hitherto he dealt with the *outward man*, and now he offers violence to the *inward man*, and impoſes an Oath upon the King's Subjects, and ſo exerciſeth a Tyranny over the Conſciences of men.

And ſetting aſide the matter of the Oath, if he hath authority and power to impoſe ſuch an Oath, as he ſhall frame, he may by the ſame power impoſe any Oath to compel Conſciences.

He pretends a Warrant from his Majeſty to do it, but the King's Miniſters are to ſerve the King according to Law; and I dare be bold to ſay (and we have good reaſon to thank God for it) if any of the King's Miniſters tell him, that any Command he gives is againſt Law, there is no doubt but in his Goodneſs and Piety, he will withdraw his Command, and not enforce execution; and therefore if there were an Error, the King is free, and the Miniſters to be juſtly charged with it.

But there was no Command from the King to compel and enforce them to take the Oath by the Power of the Star-Chamber, to commit them to Priſon, to impoſe heavy Fines, and tyrannize over them; all which he did in the Caſe of *Steward*.

And now one would have thought he had acted his part, when he had acted as much as lay in his own Power; and yet he goes beyond this, he was not content to corrupt all the ſtreams (which was not a diverting of the courſe, as he ſpoke in his Anſwer; for he not only turned the courſe of the water, but changed the nature of it, converted it into poyſon, a legal and juſt proceeding into a Tyrannical and Arbitrary Government, which is not turning, but corrupting of the clear and Chryſtal ſtreams to bitterneſs and death.) But yet the Fountain remains clear, and perhaps when his hand is taken off, you ſhall have the ſtreams run as pure and uncorrupt as ever they did. This is it troubles him, remove but this obſtacle, and the work is perfect; and therefore now he will go about to corrupt the ſtreams: if he can but infuſe his poyſon into the King's heart, which is the Fountain, then all is done; and now he attempts that, and approacheth the Throne, endeavours to corrupt the King's Goodneſs with wicked Counſels; but God be thanked he finds there too much Piety to prevail.

And therefore the next *Article* is that, that charges him *to be an Incendiary to the War betwixt the Two Kingdoms:* and now I ſhall be bold to unfold the myſtery, and anſwer his Objection: *To what purpoſe ſhould he be an Incendiary? were it not better to enjoy his Eſtate in peace and quietneſs, than have it under danger of a War?* Now your Lordſhips ſhall have the Riddle diſcovered.

The firſt thing he doth after his coming into *England* is, to incenſe the King to a War, to involve two Nations of one Faith, and under one Sovereign, to imbrue their hands in each others Blood, and to draw Armies into the Field.

That he was this Incendiary, give me leave to revive your Lordſhips memories with the proofs which will make it plain; and firſt give me leave to note unto your Lordſhips, that His Majeſty, with much Wiſdom, did in *July* 1639. make a pacification with his Subjects, and even at the very heels of this pacification, when all things were at peace, upon the Tenth of *September*, which was the next month but one, your Lordſhips remember the Sentence of *Steward* in the *Star-Chamber* of *Ireland*, for not taking the Oath; your Lordſhips may call to mind the Language my Lord of *Strafford* was pleaſed to uſe to the *Scots*: when all was in quietneſs, he then calls them *no better than Traytors or Rebels*, if you will believe what the Witneſs teſtifies, whom my Lord is pleaſed to call a Schoolmaſter: And truly admit he were ſo, *becauſe he is a Schoolmaſter, therefore not to be believed*, is a *non ſequitur*. And another Witneſs, one *Loftus* ſpeaks to the words, though not in the ſame manner; but I ſay, the Tenth of *September*, when things were at peace and reſt, when the King was pleaſed to be reconciled to them by that Pacification, what boiled in his breaſt then, to the breaking forth of ſuch Expreſſions, I know not, unleſs it were an intention to be an Incendiary.

My Lords, I muſt ſay and affirm, and he hath not proved it to the contrary, That all this while (I am confident) there was not any breach of the Pacification on either ſide, and it lyes on his part to prove there was: But the Parliament of *Scotland* then Sitting, and making preparation for their Demands in purſuance of the *Articles* of Pacification, he coming over into *England* in *September*, immediately upon the Pacification anſwers, *That he found things ſo diſtracted here, that it was fit the* Scots *ſhould be reduced by force, if they could not be otherwiſe:* yet no breach appears, no War was denounced, there was no intention of a War: but ſee what harboured in his Breaſt all the while.

The Fourth of *December* following, my Lord *Traquaire* made his relation to the Council of the *Scots* proceedings: and all this while there was no Demands brought by the *Scots* themſelves, nor reaſon of their Demands brought by others, though they were not prepared; yet you have heard his advice was *for an offenſive War, and that the Demands were a juſt cauſe of the War.* And though he pretends *he ſaid no more than what the reſt of the Lords of the Council concurred with him in*, I will joyn in iſſue with him in that, and if ſome of your Lordſhips be not ſatisfied, you have many Noble Lords among you, from whom you may be ſatisfied that it is not ſo; I am ſure he proves it not. It is true, in the propoſition of the Demands, ſome of the Lords of the Council did ſay, *That theſe Demands hypothetically, if the* Scots *did not give ſatisfaction by their Reaſons, were a juſt cauſe of War*; but not any Lord of the Council was of that opinion, That the very Demands, poſitively, without hearing of the Reaſons, were a juſt cauſe of War, but himſelf; and I believe the Noble Lords of the Council,their Conſciences can tell them,and I believe will deliver it to the reſt of the Peers, that I ſpeak truth.

For *the Offenſive War*, he pretends a concurrence of the reſt, but it was diſapproved; many were for it upon theſe terms, *If they did not give Reaſons,and ſhew juſt cauſe for their Demands*; and many were againſt an *Offenſive War upon any terms*, and therefore herein he fixes that upon the Lords of the Council, which he cannot make good.

All this while his intentions are diſcovered by a matter precedent, but after the breach he diſcovers his anger further towards the *Scottiſh* Nation, and makes it his deſign to incenſe the King to this War.

My Lords, he is not at end yet, for he confeſſes himſelf that *he adviſed the King to call a Parliament*; and now I come to his *work of merit*, but it was to his deſtruction, and ſerves to prove this *Article* directly; for to what purpoſe was this Parliament called? *Exitus acta probat*; it was no ſooner ſet, but within three Weeks a propoſition is made *for ſupply towards a War againſt the* Scots: who was the cauſe of calling the Parliament? himſelf; and therefore who was the cauſe of this Propoſition but himſelf? and ſo the calling of the Parliament is a concurring evidence of his being an Incendiary to put on the War; and it ſhall appear anon abſolutely, that he was the occaſion of it, though he thinks there be no proof of it.

Did not he go over into *Ireland*, and by his ſollicitation there, Subſidies were granted by the Parliament, only, *to maintain this War, and to ſhew their ingagement in it?* and who was the occaſion of drawing them on, I refer to your Lordſhips judgments, by the circumſtances precedent.

Your Lordſhips heard his good opinion of the *Scots*, when he began to diſcourſe with the Citizens touching Money,and their affording of the King ſupply, and ſeizing the Mint, *by giving them no better expoſitions than Rebels*; for, ſaith he, *you are more forward to help the Rebels here, than to pay the King his own*: I know not who he meant, but certainly the *Scots* were in his thoughts; ſo that from the beginning he incenſed the War againſt them: Firſt, *he exclaimed againſt them during time of Peace*. He alledges in his Anſwer, *That things were found in ſuch diſtraction, that it was fit the* Scots *ſhould be reduced by force*: he gave advice precipitately without hearing the reaſons, and not concurrent to the Council, *for an offenſive War*; and putting all together, I refer it to your Lordſhips judgment who is the Incendiary; for how can it be proved more clearly, unleſs it ſhould appear under his Hand and Seal, proved by two or three Witneſſes?

Now, My Lords, how comes this to be his deſign? here the Myſtery comes to be unfolded. Having thus incenſed to the War, and ingaged the King to the uttermoſt, and having a Parliament now diſſolved without ſupply, he ſets up an *Idol of his own creation*, as a means to draw on his deſign, and that was *neceſſity*; neceſſity, is it that muſt enforce the King: what to do? to levy Money, to uſe his Prerogative, to raiſe ſupplies upon His Subjects without their conſent, againſt their Will, neceſſity muſt be his Argument, and this War muſt be the occaſion of that neceſſity, and without that, he cannot ſuggeſt to the King's ear, or adviſe this neceſſity, till this be brought to paſs.

And now he hath brought it to paſs, he began in the One and twentieth, Two and twentieth, and Three and twentieth Article, to perſwade the King, that *Neceſſity hath ſurprized him, by the Parliaments deſerting of him*; that *the Parliament had forſaken the King, in denying Supply, and having tryed the affections of His People, he was looſe, and abſolved from all Rules of Government; and had an Army in* Ireland *which he might employ, to reduce this Kingdom.*

That he ſpake theſe words to the King, part is proved by two concurrent Witneſſes, that is, *that having tryed the affections of his People, he was now looſe, and* *abſolved from all Rules of Government*; which words are proved by two Witneſſes of eminent quality, that is, my Lord of *Northumberland*, and Sir *Henry Vane*: and truly, howſoever my Lord in his Speech pretends, that *the moſt material words are proved but by one Witneſs*, (it ſeeming that he held it not a material charge, that he counſelled the King that he was abſolved from all Rules of Government) for my part, if your Lordſhips be ſatisfied theſe words were proved, I could willingly ſatisfy my own Conſcience in it, and make no great matter to quit the reſt; for I know not how he could expreſs it in higher terms, than that *the King was abſolved from all Rules of Government*, for then he might do what he would.

It is true, the latter words, *touching the Iriſh Army*, are expreſly proved but by one Witneſs, Mr. Secretary *Vane*; but are fortified again with ſuch circumſtances as make up more than one, yea, more than two other witneſſes, if your Lordſhips will have the Patience to have it repreſented, as it is proved.

For howſoever it be ſlighted by him, if your Lordſhips will call to mind the words of Sir *George Ratcliffe*, *his boſome Friend*, (to whom he had contributed, without queſtion, his advice in all cauſes) the ſaid Sir *George Ratcliffe* expreſſed it before, and told ſome of his Friends (ſuppoſing that he never ſhould be called in queſtion, and that the power of my Lord of *Strafford* had been enough to protect any thing he had done, and out of the abundance of the heart his mouth ſpake) *the King muſt now want no Money*; *if he did, no body would pity him, now he had his Sword in his hand.*

Sir *Robert King* proves it ſo. My Lord *Ranalagh* diſcovered the ſmoke of the fire that he had juſt cauſe to ſuſpect, and on good grounds, I am ſure; and if the Commons of *England* had not juſt cauſe to ſuſpect him, (as I believe he is convinced they had good cauſe) what is the reaſon this ſuſpition ſhould be entertained at that time, my Lord of *Strafford* being not then queſtioned for it? and yet my Lord *Ranalagh* ſhould ſay, *Shall we turn our Swords upon our own bowels? Shall we bring this Army to turn the points of our blades upon that Nation from whence we were all derived?* and that was before any conference with Mr. Secretary *Vane*.

Sir *William Pennyman* himſelf, his own Witneſs and Friend ſays, at *York*, before my Lord of *Strafford* was queſtioned, *that there was a common fame of bringing the Army into* England, and there is ſomething in that ſurely; and after all this, to produce one Witneſs that expreſly proves the very words ſpoken *in terminis*, as they be charged, if your Lordſhips put the whole together, ſee whether there be not more than one Witneſs.

And, under favour, my Lord *Cottington*, if you call to mind his Teſtimony, I muſt juſtify, he did declare, That he heard my Lord of *Strafford* tell the King, *That ſome reparation was to be made to the Subjects Property*; which muſt infer, *he had adviſed an Invaſion upon the Property*; elſe by no good coherence ſhould a reparation be made. And that he teſtifies this, I muſt affirm, and moſt here will affirm it; and I think your Lordſhips well remember it: and that is an addition to it; for if your Lordſhips caſt your eye upon the Interrogatory adminiſtred to my Lord Admiral, and my Lord *Cottington*, that very queſtion is asked; ſo that his own Conſcience told him, he had adviſed ſomething to invade upon the People, when he adviſed to a *reſtitution after things ſhould be ſetled*: and ſo I refer it to your Lordſhips conſideration, whether here be not more than one witneſs by far.

It is true, he makes Objections to leſſen this teſtimony; Firſt, That *this Army was to be landed at* Ayre *in* Scotland, *and not here*; and this was declared to Sir *Thomas Lucas*, Mr. *Slingsby*, Sir *William Pennyman*, and others. Secondly, That *others that were preſent when the words are ſuppoſed to be ſpoken, did not hear any ſuch words.*

For the firſt; Perhaps the Army might be originally intended for *Scotland*, and yet this is no contradiction, but he might intend it afterwards for *England*; ſurely this is no *Logick*, that *becauſe it was intended for one place, it could never be intended for another place*; ſo his allegation may be true, and the charge ſtand true likewiſe.

Beſide, that it was intended originally for *Scotland*, what proof makes he? *He told ſeveral perſons of the deſign*, but I will be tryed by himſelf, he told ſome, *it was for* Scotland; he told others, *it was for* England; and why you ſhould believe his telling on one ſide, more than on the other ſide, I know not; though he pretends

1641.

a reaſon of his ſeveral allegations, that *the world ſhould not know his deſign*; but if you will not believe him one way, why ſhould he be believed the other way? and if not the other way, why the firſt way?

For the Second, *Several perſons were preſent, when the words were ſpoken touching the Iriſh Army, and they were examined, and remember not the words*; but one man may hear, though twenty do not hear; and this is no contradiction at all: for thoſe perſons whom he examined, the Lord Treaſurer, Marquis *Hamilton*, my Lord *Cottington*, did not hear the words that are proved by two Witneſſes, *concerning the Kings being looſe and abſolved from Rules of Government*: and if they did not hear thoſe words, no marvel they did not hear the other: and therefore that which he himſelf pretends to be a convincing teſtimony, is nothing at all; ſo that his objections are clearly taken away, and the ſingle teſtimony fortified with teſtimonies that make above one witneſs, and ſo the words are fully proved.

But to fortify the whole, I ſhall handle all theſe *Articles* together; This deſign to ſubvert the Law, and to exerciſe an Arbitrary Power above the Law in this Kingdom, will (upon the proofs putting them all together, and not taking them in pieces as my Lord of *Strafford* hath done) appear to have been harboured in his thoughts, and ſetled in his heart long before it was executed.

You ſee what his Counſels were, *That the King having tryed the affections of his People, was looſe and abſolved from all Rules of Government, and might do every thing that power would admit; and His Majeſty had tryed all ways, and was refuſed, and ſhould be acquitted of God and Man; and had an Army in* Ireland, *wherewith if he pleaſed he might reduce this Kingdom*: ſo there muſt be a trial of his People, for Supply that is denyed, which muſt be interpreted, a *Defection by refuſal*, and this refuſal muſt give advantage of neceſſity, and this neceſſity muſt be an advantage to uſe his Prerogative againſt the Rule of the Law, and conſent of the People; this is his advice, which ſhews that this very thing that happened, did harbour in his thoughts long before the breach of the Parliament, and the occaſion of the Army.

Your Lordſhips have heard it confeſſed by himſelf, *That before this laſt advice, he had adviſed the calling of a Parliament*: To the Parliament a propoſition, of Twelve Subſidies was made for ſupply, and (which may be ſpoken with great aſſurance) before they had conſulted, or given any reſolution to that propoſition, the Parliament was diſſolved, upon a Suppoſal that the Supply was denied. Now that this was pre-deſigned by my Lord of *Strafford* himſelf, I beſeech you obſerve theſe things following, that is, *The words in the Two and Twentieth Article, That His Majeſty was firſt to try the Parliament, and if that did not ſupply him, then he would ſerve the King any other way.*

His words are proved by Mr. Treaſurer, *That if the Parliament ſupplyed him not, he would ſerve him any other way*; and this is before the Parliament ſet: now if your Lordſhips hear the proofs of my Lord Primate, (which my Lord of *Strafford* ſlights taking it ſingly) my Lord Primate before the Parliament was called, when my Lord of *Strafford* was in *Ireland*, and not yet come into this Kingdom, teſtifies, my Lords, ſaying, *That if the Parliament will not ſupply His Majeſty, the King was acquitted before God and Man, if he took ſome other courſe to ſupply himſelf, though againſt the will of the Subjects.* I beſeech your Lordſhips, obſerve how he propheſies theſe things muſt come to paſs, and adviſed them accordingly.

My Lord *Conway* teſtifies, that before the Parliament ſate, my Lord of *Strafford* ſaid, that *if the Parliament would not ſupply His Majeſty, the King was acquitted before God and Man, if he took another courſe to ſupply himſelf, though it were againſt the will of the Subject, and he doubts not but the Parliament would give*, What? *Twelve Subſidies*: and your Lordſhips very well remember, Twelve were propounded; but I beſeech you, obſerve the coherence of all; the Parliament muſt be called, they muſt be tryed, if they deny there is neceſſity, and this neceſſity is a Warrant for the King to proceed; ſo that my Lord of *Strafford* muſt be judged to be either a Prophet, or to have this deſign beforehand in his thoughts.

Now the Parliament being broken before anſwer to the Demand given, he vents his Counſel in the Three and twentieth *Article*, and how far it is proved, your Lordſhips have heard. Now comes the *Bullion to be ſeized, the Copper-money to be adviſed*, and now comes he to tell the King, *that the Aldermen of* London *muſt*

muſt be put to Fine and Ranſome, and laid by the heels, and no good would be done till ſome of them be hanged, ſo you hear his advice; I beſeech your Lordſhips obſerve what ſucceſs this advice took; *Four Aldermen were inſtantly committed,* and then the Counſel of the Three and twentieth Article is fomented.

Firſt, He foments the War, then there is a neceſſity, the defection of the Parliament muſt ſet the King *looſe from rules of Government,* and now ſee whether the occaſion of the War, the calling of the Parliament, the diſſolving of it, be not adequate to, what he propounded to himſelf, namely, to ſet up an *Arbitrary Government.*

Your Lordſhips remember how freſh my Lord of *Briſtol*'s memory is, touching my Lord of *Strafford*'s opinion upon the diſſolution of the Parliament; how he declared unto my Lord of *Briſtol* inſtantly within three or four dayes after, *That the King was not to be maſtered by the frowardneſs of his people, or rather of ſome particular perſons*; and your Lordſhips remember Sir *George Wentworths* words ſpoken the very day of diſſolving the Parliament; which may be very well applyed as a concurrent proof to his intentions of bringing the Army into *England.* He was my Lord's own Brother, that knew much of his Counſel, and his words are, *That the Engliſh Nation would never be well till they were conquered over again.* So my Lords, put all together, if he declared his own intentions, if actions, in executing this Tyrannical and Arbitrary Power, if Counſels of as dangerous conſequence, in as high a ſtrain as can be, be not a ſufficient Evidence to prove an intention, and deſire to ſubvert the Law, I know not what can prove ſuch an interpretation: and now I refer it to your Lordſhips judgments, whether here be not a good proof of the Article laid to his Charge.

My Lords, in the Seven and Twentieth Article, he is *charged with levying of War upon the King's People, by forcing them in* Yorkſhire *to pay Money*; to prove they were ſo forced, you have heard by two Witneſſes, that Sergeant-Major *Taworth*, by Muſquetiers, four together in the Town, and one by one out of the Town, did compel them to pay the fortnights contribution, elſe they were to ſerve in perſon: That he did this by Warrant, is likewiſe confeſſed by Sir *William Pennyman:* and whether this were an authority derived from, or commanded by my Lord of *Strafford*, that is the queſtion; and my Lords, it is plainly proved, that it was commanded by my Lord of *Strafford*, for Sir *William Pennyman* himſelf being examined, alledged that the Warrant was made in purſuance of the relation, and direction made by my Lord of *Strafford.*

Your Lordſhips heard what my Lord of *Strafford* did ſay before-hand, as is proved by two Witneſſes, (Sir *William Ingram* and Mr. *Cholmley*) that this Money ſhould be paid, or levyed on the Subjects Goods; Then his Declaration to Sir *William Pennyman*, (in purſuance of which he made his Warrant) that it was the aſſent of the Lords of the great Council, that this Money ſhould be levyed; and taking all together, whether it fixes it not upon him to be the Author and Inſtrument, it reſts in your judgments in point of Fact: and ſo I ſuppoſe the Seven and twentieth Article reſts on him, and ſo I ſhall conclude the Evidence produced on the behalf of the Commons.

And now give me leave to put your Lordſhips in mind of ſome Evidences offered by my Lord *Strafford* himſelf in his Anſwer, and in the paſſages of his Defence, for his clearing and juſtification, but tending directly to his condemnation.

I will enter upon ſome paſſages he mentioned to day, and often before; When he is charged with invading the *Eſtates of the Peers of the Kingdom of* Ireland, *and determining them upon Paper Petitions in an Arbitrary way*: your Lordſhips have heard him ſpeak it before, and repeat it this day, *That he did it out of Compaſſion, for the more expeditious proceeding on behalf of the poor againſt theſe mighty*: But then my Lords, I beſeech you, compare ſome other part of his Proceedings. Your Lordſhips remember the buſineſs of the Flax, which concerns the poor wholly and univerſally; and if compaſſion had been the rule and direction of his Actions towards the poor, ſurely this would have been a juſt cauſe to have commiſerated them in this caſe; but he exerciſed his power over them, and over them wholly, and over them univerſally: and therefore it ſhews, it is not his compaſſion to the poor, nor reſpect to the rich, or mighty, that will any way reſtrain

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1641. or obſtruct his ways, to his own Will. And therefore you may ſee what truth there is in his anſwer, by comparing one part of the Charge with another, when the buſineſs of the *Flax* brought that calamity upon the King's Subjects, that Thouſands of them periſhed for lack of Bread, and dyed in Ditches.

Secondly, Your Lordſhips have often heard him uſe a Rhetorical inſinuation, wondring that he ſhould be charged with words, and they ſtrained ſo high as to be made Treaſon, to queſtion his Life and Poſterity, though the words might be ſpoken unadviſedly, or in diſcourſe, or by chance: Your Lordſhips remember the Fifth *Article*, touching his proceedings againſt my Lord *Mountnorris*, where words were ſpoken in an ordinary diſcourſe at dinner, and ſlight ones, God knows, of no conſequence at all, ſuch as another man would ſcarce have hearkened after, and yet my Lord extends them to the taking away of my Lord *Mountnorris* his life; gets a Sentence of Death againſt him, and that againſt Law, with a high hand, in ſuch a manner, as I think your Lordſhips have not heard the like; and therefore I beſeech you, compare one part of his Anſwer with another, and ſee how ready he is to make uſe of any thing that may excuſe himſelf; and yet when he comes to act his power, you ſee his exerciſe of it.

You have heard how he magnifies his Zeal for advancing the King's Benefit and Revenue, and his care of his Service, and would ſhelter and protect himſelf under it, to juſtifie an exorbitant action: but if your Lordſhips call to mind the buſineſs of the *Cuſtoms for Tobacco*, (which in truth were the King's right and due, and a great profit was thereby advanced; and he truſted to advance it.) The King muſt looſe of his former Rents in the caſe of Cuſtom, and received a ſmall Rent in the caſe of *Tobacco*, my Lord himſelf in the mean time imburſing ſuch vaſt ſumms of Money: where is then the diſcharge of his Truſt? where is his care to advance the King's Rents? to increaſe his Revenue? Compare that part of his Anſwer with this, and ſee what credit is to be given to his affirmation.

My Lords, throughout the paſſages of his diſcourſe he inſinuates, (and never more than this day) with the Peers of the Realm, magnifying them almoſt to Idolatry; and yet my Lords, when he was in his Kingdom in *Ireland*, and had power over them, what reſpect ſhewed he then to the Peers of the Kingdom, when he judged ſome to death, trampled upon others in miſery, committed them to priſon, and ſeized on their Eſtates; where then was the Peerage he now magnifies?

And to ſhew it was an inſinuation for his own advantage, you may remember, when there was an unlawful Act to be committed, that is, the levying of Money in the North, What regard had he then to the Peers of the Kingdom, when he comes to juſtifie and boulſter up High-Treaſon it ſelf, under the name and authority of the great Council, where moſt of the Peers of the Realm then were? and ſo by this time I know what credit your Lordſhips give to his words ſpoken, when he lies under your Mercy and Power: but what do I ſpeak of the Peers of the Kingdom, and his uſing of them? My Lords, he ſpared not his Soveraign, His Majeſty in His whole Defence; for being charged with offences of a high nature, he juſtifies thoſe offences under the pretence, and under the authority of His Majeſty, our Gracious King and Soveraign, even Murther it ſelf, in the Caſe of *Denwitt*, and my Lord *Mountnorris*. Treaſon it ſelf in the Fifteenth Article by a Command in *Ireland*, and in the Seven and twentieth, by a pretended authority from His Majeſty in the face of His people; he juſtifies my Lord *Mountnorris* his ſentence by a Letter from his Majeſty, *Denwit*'s Sentence by a Commiſſion from his Majeſty, and he read three or four clauſes to that purpoſe.

My Lords, my Lord of *Strafford* doth very well know (and if he doth not know it, I have a Witneſs to produce againſt him, which I will not examine, but refer it to his own Conſcience, that is, *The Petition of Right*) that *the King's Servants are to ſerve him according to Law and no otherwiſe*: he very well knew if an unlawful act be committed, eſpecially to a degree of Treaſon and Murder, the King's Authority and Warrant produced, is no juſtification at all. So then, my Lords, to mention the King's name, to juſtifie an unlawful act in that way, can do him no good; and his own underſtanding knows, it may do the King harm, if we had not ſo Gracious a King, that no ſuch thing can do harm unto.

But, my Lords, to produce the King's Warrant to juſtifie his actions under his Patent and Command, what is it elſe, but ſo far as in him lies, in the face of his people, to raiſe a cloud, and exhale a vapour? To interpoſe betwixt the King and his Subjects whereby the ſplendor of his Glory and Juſtice cannot be diſcovered to his people?

My Lords, what is it elſe, when the people make complaint againſt the Miniſters (that ſhould execute Juſtice) of their oppreſſion and ſlavery, and bondage? For the Miniſter, when he is queſtioned to juſtifie this under the King's Authority, what is it, I ſay, but as much as in that Miniſter lies, to fix this offence, to faſten this oppreſſion upon the King himſelf, to make it to be believed, that the occaſion of theſe their groans proceeded from his Sacred Majeſty? yet God be thanked the ſtrength of that Sun is powerful enough to diſpel theſe vapours, and to diſperſe the cloud that he would have raiſed; but in the mean time, my Lord is nothing to be excuſed.

My Lords, he may pretend zeal to the King's Service, and affection to His Honour, but give me leave not to believe it, ſince, when he is queſtioned by all the King's people, and in the face of his people, and offences laid to his charge, which himſelf now confeſſes to be againſt Law; he ſhould juſtifie it under the King's authority; that ſavours not of a good ſervant: I will ſay no more.

My Lords, he is charged with exerciſing a tyrannical power over the King's people, and in his Defence your Lordſhips have often heard (and I may not omit it) that he ſhelters himſelf under the protection of the King's Prerogative, though he be charged with Tyranny of the higheſt nature that may be: ſee then how foul and malignant an aſpect this hath. My Lords, what is it elſe, but to endeavour, as much as in him lies, to infuſe into the King's heart an apprehenſion, that his Prerogative is ſo bottomleſs a Gulf, ſo unlimited a Power, as is not to be comprehended within the Rules of Law, or within the bounds of Government? for elſe why ſhould he mention the Prerogative, when he is charged to exceed the Law? What is it elſe, but as far as in him lies, to make the people believe (for I may not forget the words he hath uſed) *by his magnifying of the Prerogative, that it hath a ſpecial ſtamp of Divinity on it*; and that the other part of the Government that God pleaſes to put into the King's hands, had not that ſtamp upon it? as if any thing done by one, was to be juſtified by authority derived from Heaven, but the other not.

Theſe expreſſions your Lordſhips remember; and I may not omit to put your Lordſhips in mind of them; and I can expound them no otherwiſe than, as much as in him lies, to make the Subject believe and apprehend, that which is the buckler and defence of his protection, to be the two-edged ſword of his deſtruction, according to the Doctrine he Preached; and that that which is the Sanctuary of their Liberty, is the Snare and Engine of their Slavery. And thus he hath caſt a bone of contention, as much as in him lay, betwixt King and People, to make the Subjects loath that glorious Flower of his Crown, by fixing a jealouſie in them, that it may be a means of their Bondage and Slavery.

But there is ſo much Piety and Goodneſs in the King's Heart, that I hope, upon fair underſtanding, there will be no ſuch occaſion; but no thanks to the party, that ſo much advanced the Prerogative in the caſe and condition he ſtands in, to juſtify that which is laid to his Charge of High Treaſon.

My Lords, I beſeech you give me leave; there is no greater ſafety to King and People, than to have the Throne incircled with good Counſellors; and no greater danger to both, than to have it encompaſſed with wicked and dangerous ones; and yet I beſeech you call to mind, how he hath attempted to deprive the Subject of all means to diſcover this danger, by inſinuating to your Lordſhips, *what a dangerous thing it were, if Counſellors ſhould be called in queſtion for giving of Counſel: for who then* (ſaith he) *would be a Counſellor? where is your ſafeguard? where is the King's ſervice?* Is not this, as much as in him lies, to deprive the People of the means whereby they muſt make themſelves happy, and whereby the King muſt be happy, that is, by his having good Counſellors about him? and yet he infuſes that venom, that *the queſtioning of Counſellors is dangerous both to King and Peers, if it ſhould be brought into Example.* My Lords, for many years by-paſt, your Lordſhips know an evil ſpirit hath moved amongſt us, which in truth hath been made the Author and ground of all our diſtractions, and that is neceſſity and danger: this was the bulwark and the battery that ſerves to defend all exorbitant actions; the ground and foundation of that great invaſion of our Liberties and Eſtates, the judgment in the Ship-money, and the ground of the Counſel given of late to do any thing, and to perſwade the King, *That he was abſolved from all Rules of Government*; and yet your Lordſhips have obſerved in the courſe of his Defence, how often he hath *raiſed this ſpirit, that God be thanked hath been laid*, to the great Comfort of King and Kingdom, by your Lordſhips, and all the Commons in Parliament. And when he ſtands under this queſtion, and goes about to juſtify his exorbitant actions, how often hath he created this Idol again? and therefore I am afraid he diſcovers too much his own heart in it.

My Lords, I may not omit ſome other paſſages in his Defence, *How he hath caſt Scandals upon three Nations in this place*; that is, in his firſt day of Defence, when the *Iriſh* Remonſtrance, made by all the Commons of *Ireland*, was produced by the Commons of *England*; he expreſſed in a paſſion, *that things were carried againſt him by Faction and Correſpondence, and (if he had time he would make it appear) with a ſtrong Conſpiracy.* Here is a ſcandal caſt upon the Parliament of *Ireland*, with a reflection on the Commons of *England*; howſoever, it is true, your Lordſhips may remember the recantation he made that day, which I will not omit, deſiring not to lay any thing to his charge but what is true; but it is the reflection of a ſcandal that I cannot omit to put your Lordſhips in mind of; and the rather, becauſe this Remonſtrance, preſented from the Parliament of *Ireland*, did bear date before my Lord of *Strafford* was charged here, which is very remarkable, *viz.* the 7th of *November*; and therefore, though he pretends a correſpondence, certainly there could be none then, for he is not charged here till the Tenth.

And the ſame day, juſtifying a Sentence in the Caſtle-Chamber, your Lordſhips remember he affirmed, that *unleſs a ſtrict hand were kept upon the Nation there, they would find it hard to prevent Perjury, one of the moſt crying Sins in* Ireland. Now to lay an aſperſion upon the Subjects of *Ireland*, being under the Government of the ſame King with us, how fit this is to be done by a man in that condition that my Lord of *Strafford* is, I refer to your conſideration.

Another paſſage I remember, whereby in his Defence he fell upon that Nation; in anſwer of which, I may not omit to do the ſervice I owe to the *Commons*, for whom I am truſted, and that is, that talking of an Arbitrary and Tyrannical Government, in reference to ſome Orders of the Commons-Houſe in *Ireland*, he uſed words to this purpoſe: *You talk of an Arbitrary Government, look upon theſe Orders, here is an Arbitrary Government:* and yet when he produced the Orders, they appeared to have ſo much juſtice and diſcretion in them, that he can lay nothing to the charge of them, though in a paſſion he is not backward to aſperſe them.

My Lords, If this Lyon (to uſe his own language) now that he is chained and muzled, under the reſtraint and queſtion of High Treaſon, will here take the boldneſs to vent this Language, and expreſs this Malignity; How would he do if he were unchained? How would he devour? How would he deſtroy? &c.

My Lords, Something concerns your Lordſhips; your Lordſhips remember, that he was not backward in his own anſwer, to *fix a Charge of High Treaſon upon the Lords of the Great Council*; and howſoever he hath affirmed this day, I muſt open it again, That the Charge of the Seven and twentieth *Article* he fixes in his Anſwer, to be *by conſent of the Lords of the Great Council*, though he hath ſince recanted it; and yet you have heard him alledge, *That he will ſtand and fall by the truth of his anſwer.*

My Lords, I am now at an end. You have my Lord of *Strafford* here queſtioned for High Treaſon, for going about to Subvert the Fundamental Laws of both Kingdoms, in defence whereof, your Noble Anceſtors ſpent their Lives and Bloods. My Lords, You are the Sons of thoſe Fathers, and the ſame Blood runs in your veins, that did in theirs; and I am confident you will not think him fit to live, that goes about to deſtroy that which protects your Lives, and preſerves your Eſtates and Liberties.

My Lords, You have the Complaints of Three Kingdoms preſented before you againſt this Great Perſon; whereby your Lordſhips perceive that a great ſtorm of Diſtemper and Diſtraction hath been raiſed, that threatens the Ruin and Deſtruction of them all. The Commons with much Pain and Diligence, and to their great Expence, have diſcovered the *Jonas* that is the Occaſion of this Tempeſt; they have ſtill and will diſcharge their Conſciences (as much as in them lies) to caſt him out of the Ship, and allay the Tempeſt. They Expect and are Confident your Lordſhips will perfect the Work, and that with Expedition, leſt with the Continuance of the Storm both Ship and Tackling and Mariners, both Church and Commonwealth be Ruined and Deſtroyed.

It was certainly, as appeared by the ſequel, a great miſtake in making this Compariſon; and when by Tumults they threw this Noble *Jonas* overboard, they threw one of the ableſt Pilots; the Storm being ſo far from ceaſing, that from that Unhappy Moment it was changed to a Tempeſt, which did actually Ruin and Deſtroy both the Ship, Tackling and Mariners, the Church and Commonwealth.

When Mr. *Glyn* had concluded his Replication, Mr. *Pym* ſtood up, and, with all the power of ſtudied and malitious Rhetorique, endeavoured to aggravate the Earl of *Strafford*'s guilt in a ſet Oration, which he would have made the Audience believe was the *Extempore* product of his Parts and Abilities, as an immediate Reply to the Earl's Defence; but it was his Miſfortune (which gave occaſion to ſome of the Noble Audience to ſmile) to fall into a great Diſorder and Confuſion; inſomuch, that by pulling out his Paper to recollect his memory and reaſſure himſelf, he diſcovered that it was a premeditated and Elaborate Task; and that whatever the Earl had ſpoken, that was to be the anſwer, which followeth.

My Lords,

Mr. *Pym*'s Speech at the ſumming up the Evidence againſt the Earl of *Strafford*, *April* 13.

MAny dayes have been ſpent, in maintenance of the Impeachment of the Earl of *Strafford*, by the Houſe of Commons, whereby he ſtands charged with High Treaſon; and your Lordſhips have heard his Defence with patience, and with as much Favour as Juſtice would allow. We have paſſed through our Evidence, and the reſult of all this is, that it remains clearly proved, That the Earl of *Strafford* hath endeavoured by his Words, Actions, and Counſels, to ſubvert the Fundamental Laws of *England* and *Ireland*, and to introduce an Arbitrary and Tyrannical Government.

This is the envenomed Arrow for which he inquired, in the beginning of his Replication this day, which hath infected all his Blood; This is that intoxicating Cup, (to uſe his own Metaphor) which hath tainted his Judgment, and poiſoned his Heart: from hence was infuſed that ſpecifical difference, which turned his Speeches, his Actions, his Counſels, into Treaſon; not *cumulativè*, as he expreſt it, as if many miſdemeanors could make one Treaſon; but *formally* and eſſentially. It is the end that doth inform Actions, and that doth ſpecificate the nature of them, making not only criminal, but even indifferent Words and Actions to be Treaſon, being done and ſpoken with a Treaſonable intention.

That which is given to me in charge, is to ſhew the quality of the offence, how hainous it is in the nature, how miſchievous in the effect of it, which will beſt appear, if it be examined by that Law, to which he himſelf appealed, that Univerſal, that Supream Law, *Salus Populi*: This is the Element of all Laws, out of which they are derived, the end of all Laws, to which they are deſigned, and in which they are perfected; How far it ſtands in oppoſition to this Law, I ſhall endeavour to ſhew in ſome conſiderations, which I ſhall preſent to your Lordſhips, all ariſing out of the Evidence which hath been opened.

The Firſt is this, It is an offence comprehending all other offences; here you ſhall find ſeveral Treaſons, Murthers, Rapines, Oppreſſions, Perjuries.

The Earth hath a Seminary Virtue, whereby it doth produce all Herbs and Plants, and other Vegetables: There is in this Crime a Seminary of all Evils hurtful to a State; and if you conſider the reaſons of it, it muſt needs be ſo: the

1641. Law is that which puts a difference betwixt good and evil, betwixt juſt and unjuſt; if you take away the Law, all things will fall into a confuſion, every man will become a Law to himſelf, which in the depraved condition of humane Nature, muſt needs produce many great enormities; Luſt will become a Law, and Envy will become a Law, Covetouſneſs and Ambition will become Laws; and what dictates, what deciſions ſuch Laws will produce, may eaſily be diſcerned in the late Government of *Ireland*: The Law hath a power to prevent, to reſtrain, to repair Evils; without this, all kind of miſchief and diſtempers will break in upon a State.

It is the Law that doth entitle the King, to the Allegiance and Service of his People; it entitles the People to the Protection and Juſtice of the King. It is God alone who ſubſiſts by himſelf, all other things ſubſiſt in a mutual dependence, and relation. He was a wiſe man that ſaid, *That the King ſubſiſted by the Field that is tilled*: It is the Labour of the people that ſupports the Crown: If you take away the protection of the King, the vigor and cheerfulneſs of Allegiance will be taken away, though the obligation remain.

The Law is the boundary, the meaſure betwixt the King's Prerogative, and the Peoples Liberty; whilſt theſe move in their own Orbs, they are a ſupport and a ſecurity to one another; the Prerogative a cover and defence to the Liberty of the People, and the People by their Liberty are enabled to be a foundation to the Prerogative; but if theſe bounds be ſo removed, that they enter into conteſtation and conflict, one of theſe miſchiefs muſt enſue: If the Prerogative of the King overwhelme the Liberty of the People, it will be turned into Tyranny, if Liberty undermine the Prerogative, it will grow into Anarchy.

The Law is the ſafeguard, the cuſtody of all private Intereſt, your Honors, your Lives, your Liberties and Eſtates, are all in the keeping of the Law; without this, every man hath a like right to any thing, and this is the condition into which the *Iriſh* were brought by the Earl of *Strafford*: And the reaſon which he gave for it, hath more miſchief in it, than the thing it ſelf, *they were a Conquered Nation.* There cannot be a word more pregnant and fruitful in Treaſon, than that word is. There are few Nations in the World, that have not been conquered, and no doubt but the Conqueror may give what Laws he pleaſes to thoſe that are conquered: but if the ſucceeding pacts, and agreements, do not limit and reſtrain that Right, What People can be ſecure? *England* hath been conquered, and *Wales* hath been conquered, and by this reaſon, will be in little better caſe than *Ireland*: if the King, by the right of a Conqueror, gives Laws to his People; ſhall not the People by the ſame reaſon, be reſtored to the right of the Conquered, to recover their Liberty if they can? What can be more hurtful, more pernicious to both, than ſuch propoſitions as theſe? And in theſe particulars is determined the firſt Conſideration.

The Second Conſideration is this; This Arbitrary Power is dangerous to the King's Perſon, and dangerous to his Crown: it is apt to cheriſh Ambition, Uſurpation, and Oppreſſion in great Men, and to beget Sedition and diſcontent in the People; and both theſe have been, and in reaſon muſt ever be, cauſes of great trouble and alteration to Princes and States.

If the Hiſtories of thoſe Eaſtern Countreys be peruſed, where Princes order their affairs according to the miſchievous Principles of the Earl of *Strafford*, looſe and abſolved from all rules of Government, they will be found to be frequent in Combuſtions, full of maſſacres, and of the Tragical ends of Princes. If any man ſhould look into our own ſtories, in the times when the Laws were moſt neglected, he ſhall find them full of commotions, of civil diſtempers; whereby the Kings that then Reigned, were always kept in want and diſtreſs; the People conſumed with Civil Wars; and by ſuch wicked Counſels as theſe, ſome of our Princes have been brought to ſuch miſerable ends, as no honeſt heart can remember, without horror and earneſt Prayer, that it may never be ſo again.

The Third Conſideration is this, The Subverſion of the Laws; and this Arbitrary Power, as it is dangerous to the King's Perſon, and to his Crown, ſo is it in other reſpects, very prejudicial to his Majeſty, in his Honour, Profit, and Greatneſs; and yet theſe are the Guildings and Paintings that are put upon

1641.

ſuch Counſels; Theſe are for your Honour, for your Service; whereas in truth they are contrary to both: But if I ſhall take off this varniſh, I hope they ſhall then appear in their own Native deformity, and therefore I deſire to conſider them by theſe Rules.

It cannot be for the Honour of the King, that His Sacred Authority ſhould be uſed in the practice of Injuſtice and Oppreſſion; That his name ſhould be applyed to patronize ſuch horrid crimes, as have been repreſented in Evidence againſt the Earl of *Strafford*; and yet how frequently, how preſumptuouſly his Commands, his Letters, have been vouched throughout the courſe of this Defence? Your Lordſhips have heard, when the Judges do Juſtice, it is the King's Juſtice, and this is for his Honour, becauſe He is the fountain of Juſtice: But when they do Injuſtice, the offence is their own, but thoſe Officers and Miniſters of the King, who are moſt officious in the exerciſe of this Arbitrary Power, they do it commonly for their advantages, and when they are queſtioned for it, then they fly to the King's Intereſt, to his Direction: And truly my Lords, this is a very unequal diſtribution for the King, that the diſhonour of evil courſes ſhould be caſt upon him, and they to have the advantage.

The prejudice which it brings to him in regard of his profit, is no leſs apparent, it deprives him of the moſt beneficial, and moſt certain Revenue of his Crown, that is, The voluntary Aids and Supplies of His People; His other Revenues, conſiſting of goodly Demeans, and great Mannors, have by grants been alienated from the Crown, and are now exceedingly diminiſhed and impaired: But this Revenue, it cannot be ſold, it cannot be burdened with any Penſions or Annuities, but comes intirely to the Crown. It is now almoſt Fifteen years ſince His Majeſty had any Aſſiſtance from His People; and, theſe illegal wayes of ſupplying the King were never preſt with more Violence and Art, then they have been in this time; and yet I may, upon very good grounds, affirm, That in the laſt Fifteen years of Queen *Elizabeth*, She received more, by the Bounty and Affection of her Subjects, then hath come to his Majeſties Coffers, by all the inordinate and rigorous courſes which have been taken. And, as thoſe Supplies were more beneficial, in the Receipt of them, ſo were they likewiſe in the uſe and imployment of them.

Another way of prejudice to His Majeſties profit, is this: Such Arbitrary Courſes exhauſt the People, and diſable them, when there ſhall be occaſion, to give ſuch plentiful Supplies, as otherwiſe they would do. I ſhall need no other proof of this, then the *Iriſh* Government under my Lord of *Strafford*, where the Wealth of the Kingdom is ſo conſumed, by thoſe horrible Exactions and Burdens, that it is thought, the Subſidies lately granted, will amount to little more then half the proportion of the laſt Subſidies. The two former wayes are hurtful to the King's profit, in that reſpect which they call *Lucrum Ceſſans*, by diminiſhing his Receipts; But, there is a third, fuller of miſchief; and, it is in that reſpect, which they call *Damnum emergens*, by encreaſing his Disburſements: ſuch irregular and exorbitant attempts upon the Liberties of the People, are apt to produce ſuch miſerable Diſtractions and Diſtempers, as will put the King and Kingdoms to ſuch vaſt Expenſes and Loſſes in a ſhort time, as will not be recovered in many years: We need not go far to ſeek a proof of this, theſe two laſt years will be a ſufficient Evidence, within which time I aſſure my ſelf, it may be proved, that more Treaſure hath been waſted, more loſs ſuſtained by His Majeſty and His Subjects, then was ſpent by Queen *Elizabeth* in all the War of *Tyron*, and in thoſe many brave Attempts againſt the King of *Spain*, and the Royal Aſſiſtance which ſhe gave to *France*, and the Low-Countries, during all Her Reign.

As for greatneſs, this Arbitrary Power is apt to hinder and impair it; not only at home, but abroad. A Kingdom is a Society of men conjoyned under one Government, for the Common good: The World is a Society of Kingdomes and States. The King's Greatneſs conſiſts not only in His Dominion over his Subjects at home, but in the Influence which he hath upon States abroad; That he ſhould be great even among Kings, and by his Wiſdom and Authority, ſo to incline and diſpoſe the Affairs of other States and Nations, and thoſe great events which fall out in the World, as ſhall be for the good of Mankind, and for the Peculiar advantage of His own People. This is the moſt glorious, and magnificent

1641.

magnificent greatneſs, to be able to relieve diſtreſſed Princes, to ſupport his own Friends and Allies, to prevent the Ambitious Deſigns of other Kings; and, how much this Kingdom hath been impaired in this kind, by the late miſchievous Counſels, your Lordſhips beſt know; who, at a near diſtance, and with a more clear ſight, do apprehend theſe publick and great affairs, then I can do. Yet thus much I dare boldly ſay, that if his Majeſty had not, with great Wiſdom and Goodneſs, forſaken that way, wherein the Earl of *Strafford* had put him, we ſhould, within a ſhort time, have been brought into that miſerable condition, as to have been uſeleſs to our Friends, contemptible to our Enemies, and uncapable of undertaking any great Deſign, either at home or abroad.

A Fourth Conſideration is, That this Arbitrary and Tyrannical Power, which the Earl of *Strafford* did exerciſe in his own Perſon, and to which he did adviſe His Majeſty, is inconſiſtent with the Peace, the Wealth, the Proſperity of a Nation; It is deſtructive to Juſtice, the Mother of Peace; to Induſtry, the ſpring of Wealth; to Valour, which is the active Virtue, whereby the proſperity of a Nation can only be procured, confirmed, and enlarged.

It is not only apt to take away Peace, and ſo entangle the Nation with Wars, but doth corrupt Peace, and puts ſuch a malignity into it, as produceth the effects of War. We need ſeek no other proof of this, but the Earl of *Strafford*'s Government, where the *Iriſh*, both Nobility and others, had as little ſecurity of their Perſons or Eſtates in this peaceable time, as if the Kingdom had been under the rage and fury of War.

And as for Induſtry and Valour, who will take pains for that, which when he hath gotten, is not his own? or who fight for that wherein he hath no other Intereſt, but ſuch as is ſubject to the Will of another? The ancient encouragement to men, that were to defend their Countreys, was this, That they were to hazard their Perſon, *pro Aris & focis*, for their Religion, and for their Houſes; But by this Arbitrary way which was practiſed in *Ireland*, and counſelled here; no man had any certainty, either of Religion, or of his Houſe, or any thing elſe to be his own; But beſides this, ſuch Arbitrary courſes have an ill operation upon the courage of a Nation, by embaſing the hearts of the People: A ſervile condition does for the moſt part beget in men a ſlaviſh temper and diſpoſition. Thoſe that live ſo much under the Whip, and the Pillory, and ſuch ſervile Engines, as were frequently uſed by the Earl of *Strafford*, they may have the dregs of Valour, Sullenneſs and Stubborneſs, which may make them prone to mutinies and diſcontents; But thoſe Noble and Gallant affections, which put men to brave deſigns and attempts for the preſervation or enlargement of a Kingdom, they are hardly capable of. Shall it be Treaſon to embaſe the King's Coin, though but a piece of Twelve-pence, or Six-pence? and muſt it not needs be the effect of a greater Treaſon, to embaſe the Spirits of his Subjects, and to ſet a Stamp and character of Servitude upon them, whereby they ſhall be diſabled to do any thing, for the Service of the King and Commonwealth?

The Fifth Conſideration is this, that the exerciſe of this Arbitrary Government in times of ſuddain danger, by the invaſion of an enemy, will diſable His Majeſty to preſerve himſelf and His Subjects from that danger. This is the only pretence by which the Earl of *Strafford*, and ſuch other miſchievous Counſellors, would induce his Majeſty to make uſe of it; and if it be unfit for ſuch an occaſion, I know nothing that can be alledged in maintainance of it.

When War threatens a Kingdom by the coming of a Forraign Enemy, it is no time then to diſcontent the people, to make them weary of the preſent Government, and more inclinable to a change; The ſupplies which are to come in this way, will be unready, uncertain, there can be no aſſurance of them, no dependance upon them, either for time or proportion: And if ſome Money be gotten in ſuch a way, the diſtractions, diviſions, diſtempers, which this courſe is apt to produce, will be more prejudicial to the publique ſafety, than the Supply can be advantagious to it, and of this we have had ſufficient experience the laſt Summer.

The Sixth, That this crime of Subverting the Laws, and introducing an Arbitrary aud Tyrannical Government, is contrary to the Pact and Covenant betwixt the King and his People; that which was ſpoken of before, was the legal union of Allegiance and Protection; this is a perſonal union by mutual agreement and ſtipulation, confirmed by Oath on both ſides: The King and his People are obliged to one another in the neareſt relations, he is a Father and a Child, is called in Law *pars patris*: He is the Husband of the Commonwealth, they have the ſame intereſts, they are inſeparable in their condition, be it good or evil; he is the Head, they are the Body; there is ſuch an incorporation as cannot be diſſolved, without the deſtruction of both.

When Juſtice *Thorp* in *Edward* the III. time, was by the Parliament condemned to death for bribery, the reaſon of that Judgment is given, becauſe he had broke the King's Oath, not that he had broke his own Oath, but he had broken the King's Oath, that ſolemn and great Obligation, which is the ſecurity of the whole Kingdom: If for a Judge to take a ſmall ſumm, in a private Cauſe was adjudged capital, how much greater was this offence, whereby the Earl of *Strafford* hath broken the King's Oath in the whole courſe of his Government in *Ireland*, to the prejudice of ſo many of his Majeſties Subjects in their Lives, Liberties, and Eſtates, and to the danger of all the reſt?

The Doctrine of the Papiſts *Fides non eſt ſervanda cum Hæreticis*, is an abominable Doctrine: yet that other Tenet, more peculiar to the Jeſuits, is more pernicious, whereby Subjects are diſcharged from their Oath of Allegiance to their Prince, whenſoever the Pope pleaſeth; This may be added to make the third no leſs miſchievous and deſtructive to humane Society, than either of the reſt. That the King is not bound by that Oath which he hath taken, to obſerve the Laws of the Kingdom, but may when he ſees cauſe, lay Taxes and Burthens upon them without their conſent, contrary to the Laws and Liberties if the Kingdom. This hath been Preached and publiſhed by divers; And this is that which bath been practiſed in *Ireland* by the Earl of *Strafford*, in his Government there, and endeavoured to be brought into *England*, by his Counſel here.

The Seventh is this; It is an offence that is contrary to the end of Government; The end of Government was to prevent oppreſſions; to limit and reſtrain the exceſſive power and violence of great men, to open the paſſages of Juſtice, with indifferency towards all; This Arbitrary Power is apt to induce and encourage all kind of inſolencies.

Another end of the Government, is to preſerve men in their Eſtates, to ſecure them in their Lives and Liberties; but if this deſign had taken effect, and could have been ſetled in *England*, as it was practiſed in *Ireland*, no man would have had more certainty in his own, then Power would have allowed him; but theſe two have been ſpoken of before; there are two behind more important, which have not yet been touched.

It is the end of Government, that Vertue ſhould be cheriſh'd, Vice ſuppreſt, but where this Arbitrary and unlimited Power is ſet up, a way is open, not only for the ſecurity, but for the advancement and encouragement of evil; ſuch men as are apt for the execution and maintenance of this Power, are only capable of preferment; and others who will not be inſtruments of any unjuſt commands, who make a conſcience to do nothing againſt the Laws of the Kingdom, and Liberties of the Subject, are not only not paſſable for employment, but ſubject to much jealouſie and danger.

It is the end of Government, that all Accidents and Events, all Counſels and Deſigns ſhould be improved to the publique good: But this Arbitrary Power is apt to diſpoſe all, to the maintainance of it ſelf. The wiſdom of the Council-Table; The authority of the Courts of Juſtice; The induſtry of all the Officers of the Crown, have been moſt carefully exerciſed in this; the Learning of our Divines, the Juriſdiction of our Biſhops have been moulded and diſpoſed to the ſame effect, which though it were begun before the Earl of *Strafford*'s imployment, yet it hath been exceedingly furthered and advanced by him.

Under this colour and pretence of maintaining the King's Power and Prerogative, many dangerous practiſes againſt the peace and ſafety of the Kingdom, have been undertaken and promoted. The increaſe of Popery, and the favours and encouragement of papiſts have been, and ſtill are a great grievance and danger to the Kingdom: The innovation, in matters of Religion, the Uſurpations of the Clergy, the manifold burthens and taxations upon the people, have been a great cauſe of our preſent diſtempers and diſorders; and yet thoſe who have been chief furtherers and actors of ſuch miſchiefs, have had their Credit and Authority from this; that they were forward to maintain this power. The Earl of *Strafford* had the firſt riſe of his Greatneſs from this; and in his Apology and Defence, as your Lordſhips have heard, this hath had a main part.

The Royal Power and Majeſty of Kings is moſt Glorious in the Proſperity and happineſs of the People; the perfection of all things conſiſts in the end, for which they were ordained, God only in his own end, all other things have a further end beyond themſelves, in attaining whereof, their own happineſs conſiſts: if the means and the end be ſet in oppoſition to one another, it muſt needs cauſe an impotency and defect of both.

The Eighth Conſideration, is the vanity and abſurdity of thoſe excuſes and juſtifications, which he made for himſelf, whereof divers particulars have been mentioned in the courſe of this Defence.

1. That he is a Counſellor, and might not be queſtioned for any thing which he adviſed according to his Conſcience; The ground is true, there is a liberty belongs to Counſellors, and nothing corrupts Counſels more than Fear; He that will have the priviledg of a Counſellor, muſt keep within the juſt bounds of a Counſellor; thoſe matters are the proper Subjects of Counſel, which in their times and occaſions, may be good or beneficial to the King or Common-wealth; But ſuch Treaſons as theſe, the ſubverſion of the Laws, violation of Liberties, they can never be good or juſtifiable by any circumſtance, or occaſion; and therefore his being a Counſellor, makes his fault much more hainous, as being committed againſt a greater Truſt, and in a way of much miſchief and danger, leſt His Majeſties Conſcience and Judgment (upon which, the whole courſe and frame of His Government, do much depend) ſhould be poyſoned and infected with ſuch wicked Principles and Deſigns: and this he hath endeavoured to do, which by all Laws, and in all Times hath in this Kingdom been reckoned a crime of an high Nature.

2. He labours to intereſt your Lordſhips in his Cauſe, by alleadging, it may be dangerous to your ſelves, and your poſterity, who by your Birth are fitteſt to be near His Majeſty, in places of Truſt and Authority, if you ſhould be ſubject to be queſtioned for matters delivered in Council. To this was anſwered, That it was hoped their Lordſhips would rather labour to ſecure themſelves, and their poſterity, in the exerciſe of their Virtues, than of their Vices, that ſo they might, together with their own Honor and Greatneſs, preſerve the Honor and Greatneſs, both of the King and Kingdom.

3. Another excuſe was this, That whatſoever he hath ſpoken, was out of good intention. Sometimes good and evil, truth and falſhood, lye ſo near together, that they are hardly to be diſtinguiſhed: Matters hurtful and dangerous, may be accompanied with ſuch circumſtances, as may make it appear uſeful and convenient, and in all ſuch caſes, good intention will juſtifie evil Counſel; But where the matters propounded are evil in their own nature, ſuch as the matters are, wherewith the Earl of *Strafford* is charged, to break a publique Faith, to ſubvert Laws and Government: they can never be juſtified by any intentions, how good ſoever they be pretended.

4. He alleadgeth it was a time of great neceſſity and danger, when ſuch Counſels were neceſſary for preſervation of the State. Neceſſity hath been ſpoken of before, as it relates to the Cauſe; now it is conſidered as it relates to the Perſon; if there were any neceſſity, it was of his own making; he by his evil Counſel had brought the King into a neceſſity, and by no rules of Juſtice can be allowed to gain this advantage by his own fault, as to make that a ground of his juſtification which is a great part of his offence.

5. He hath often inſinuated this, That it was for His Majeſties ſervice, in maintainance of that Soveraign Power, with which he is intruſted by God, for the good of his People. The Anſwer is this, No doubt but that Soveraign Power wherewith his Majeſty is intruſted for the publique good, hath many glorious effects, the better to enable him thereunto; But without doubt, this is none of them, That by his own Will, he may lay any Tax or impoſition upon

His people, without their conſent in Parliament. This hath now been five times adjudged by both Houſes, in the caſe of the Loans, in condemning Commiſſions of Exciſe, in the reſolution upon the ſaving offered to be ſaved to the Petition of Right, in the ſentence againſt *Manwaring*, and now *Lutell*, in condemning the Shipmoney; And if the Soveraign Power of the King, can produce no ſuch effect as this,the Allegation of it is an aggravation, and no diminution of his offence, becauſe thereby he doth labour to intereſt the King againſt the juſt grievance and complaint of the People.

6. This Counſel was propounded with diverſe Limitaticns and Proviſions; for ſecuring and repairing the Liberty of the People. This implies a contradiction to maintain an Arbitrary and Abſolute Power, and yet to reſtrain it with Limitations and Proviſions; for even thoſe limitations and proviſions, will be ſubject to the ſame abſolute power, and to be diſpenſed in ſuch manner, and at ſuch time, as it ſelf ſhall determine; let the Grievances and Oppreſſions be never ſo heavy, the Subject is left without all remedy, but at His Majeſties own pleaſure.

7. He alleadgeth, They were but Words, and no effect followed; this needs no Anſwer: but, that the Miſerable Diſtempers into which he hath brought all the three Kingdoms, will be Evidence ſufficient, that his Wicked Counſels have had ſuch Miſchievous Effects within theſe two or three laſt years, that many years peace will hardly repair thoſe loſſes, and other great Miſchiefs which the Common-Wealth hath ſuſtained.

8. Theſe Excuſes have been collected out of the ſeveral Parts of his defence, perchance ſome others are omitted, which I doubt not have been Anſwered by ſome of my Collegues, and are of no Importance, either to perplex or to hinder your Lordſhips Judgment touching the hainouſneſs of this Crime.

The 9th conſideration is this, That if this be Treaſon, in the Nature of it, it doth exceed all other Treaſons in this, That in the Deſign and Endeavour of the Author, it was to be a conſtant and permanent Treaſon; other Treaſons are Tranſient, as being confined within thoſe particular Actions and Proportions, wherein they did conſiſt, and thoſe being paſt, the Treaſon ceaſeth.

The Powder Treaſon was full of horror and malignity, yet it is paſt many years ſince: The Murder of that Magnanimous and Glorious King, *Henry* the Fourth of *France*, was a great and horrid Treaſon; and ſo were thoſe manifold Attempts againſt Queen *Elizabeth* of bleſſed Memory; but, they are long ſince paſt; the Deteſtation of them only remains in Hiſtories, and in the minds of men, and will ever remain: But, this Treaſon, if it had taken effect, was to be a ſtanding perpetual Treaſon, which would have been in continual Act, not determined within one time or Age, but tranſmitted to Poſterity, even from one generation to another.

The 10th Conſideration is this, That as it is a Crime odious in the Nature of it, ſo it is odious in the Judgment and Eſtimation of the Law: To alter the ſetled Frame and Conſtitution of Government, is Treaſon in any ſtate. The Laws, whereby all other parts of a Kingdom are preſerved, ſhould be very vain and defective, if they had not a power to ſecure and preſerve themſelves.

The Forfeitures inflicted for Treaſon, by our Law, are of Life, Honor and Eſtate, even all that can be forfeited; and, this Priſoner having committed ſo many Treaſons, although he would pay all theſe Forfeitures, will be ſtill a Debtor to the Common-wealth: nothing can be more equal, then that he ſhould periſh by the Juſtice of that Law, which he would have Subverted; neither will this be a new way of Blood, There are Marks enough to trace this Law to the very Original of this Kingdom: and if it hath not been put in Execution, as he alleadgeth, this 240 years, it was not for want of Law, but, that all that time hath not bred a man, bold enough to commit ſuch Crimes as theſe; which is a circumſtance, much aggravating his Offence, and making him no whit leſs liable to puniſhment, becauſe he is the only Man, that in ſo long a time hath ventured upon ſuch a Treaſon as this.

It belongs to the Charge of another, to make it appear to your Lordſhips, that the Crimes and Offences proved againſt the Earl ot *Strafford*, are High-Treaſon by the Laws and Statutes of this Realm, whoſe Learning and other Abilities are much better for that Service: But, for the time and manner of performing this, we are to reſort to the Direction of the Houſe of Commons, having in this, which is already done, diſpatched all thoſe Inſtructions which we have received; and, concerning further Proceedings for clearing all Queſtions and Objections in Law, your Lordſhips will hear from the Houſe of Commons in Convenient time.

For this and his Speech at the beginning of the Tryal, Mr. *Pym* had the particular Thanks of the Houſe of Commons, and was Ordered to Print and Publiſh them.

wedneſday, April 14.

Thus was the proceſs cloſed as to matter of Fact; that which was now remaining was matter of Law, which the Lords had condeſcended that the Earl's Council ſhould have liberty to ſpeak to; and accordingly a Meſſage was ſent from the Lords by Judge *Reeves* and Serjeant *Glanvile* upon *Wedneſday*, 14*th* of *April*, to let them know, *That their Lordſhips had appointed to hear the Earl of* Strafford'*s Council to morrow at* 8 *of the Clock concerning the matter of Law.*

The Bill of Attainder was read again this day, and the Houſe was reſolved into a Grand Committee of the whole Houſe, Mr. *Peard* having the Chair, where it was warmly debated, Mr. *Selden*, Mr. *Holborn*, Mr. *Bridgman*, and ſeveral others oppoſing it.

Thurſday, April 15.

The Commons ſent to deſire a Conference with the Lords about hearing the Earl's Council, the Heads whereof were to repreſent to their Lordſhips,

1. *That it was* 5 *of the Clock before this intimation of their Lordſhips to hear the Earl of* Strafford'*s Council came to their Houſe.*

2. *Upon former Conferences heretofore had with their Lordſhips, a Saving was made by the Houſe of Commons in that point, whether Council ſhould be heard or not, and 'tis not now time to conſider whether they ſhould depart from that Saving.*

3. *Great difficulties to know to what purpoſe the Council ſhall be heard, the Caſe not ſtated, agreed on, or made; then to propound the danger and inconvenience is, his Council make a Caſe and ravel into all the Evidence in ſuch an Auditory: and whether to diſpute the Caſe as 'tis alleadged in the Articles.*

That the Evidence of the Fact being given, it was in propoſition from the beginning to go by way of Bill, and that a Bill is exhibited here for his Attainder; that the proceedings by way of Bill, ſtands in no way of Oppoſition to theſe proceedings that have already been in this buſineſs; that theſe ſeveral Conſiderations make more difficulty in this Houſe then to come to a ſudden and preſent Reſolution. And a Conference being had, Mr. *Whitlock* reports it to the Commons.

That the Lord *Say* told them, *That they had taken into conſideration this great buſineſs, and were not abſolutely reſolved how to proceed, but that the Earl of* Strafford'*s Council ſhould have notice to attend here to morrow, and ſhould not ſpeak to any matter of Fact, but of Law only.*

Friday, April 16.

Upon *Friday April* 16*th*, the Commons fell upon the Debate about the laſt Conference, and concerning the Earl of *Strafford*, and came to this Vote.

Reſolved upon the Queſtion,

That the endeavour of Thomas *Earl of* Strafford *to Subvert the ancient and Fundamental Laws of the Realms of* England *and* Ireland, *and to introduce an Arbitrary and Tyrannical Government againſt Law in both theſe Realms, is ſufficiently proved.*

1641.

Upon the Conference the Lords appointing *Saturday* Ten of the Clock for hearing the Earl of *Strafford*'s Council, it was Ordered, *That a Committee of the whole Houſe ſhould be preſent at* Weſtminſter-Hall *to hear the ſame.*

Saturday, April 17.

And accordingly upon *Saturday* the 17*th* of *April*, the Court being ſate, my Lord Steward acquainted the Earl of *Strafford*, *That the Lords had reſolved to give him a fair hearing in the matter of Law, and deſired that his Councel might keep that Diſtance, Moderation and Reſpect which was due to the Judicature, and not at all meddle with matter of Fact.*

The Earl replied, That *he did in all humility acknowledg the Favour and Juſtice done him by the Lords, and that he never Expected other from ſuch Juſt and Honourable Perſons as their Lordſhips, in whoſe Integrity and Goodneſs, next under that which he had placed above, he repoſed his chiefeſt Confidence, and hopes of the Vindication of his Innocence; and for his Councel, they knew much better than himſelf what concerned the point of Diſcretion and Reſpect due to that Illuſtrious Aſſembly, and that he doubted not but they would give all Satisfaction and Obedience that was deſired.*

Then his Councel was called to the Bar, and having permiſſion given them, Mr. *Lane*, the Princes Attorney, ſpoke as followeth.

My Lords,

Mr. *Lane*'s Argument at Law in behalf of the Earl of *Strafford*.

There is a Heavy Charge lyeth upon me and my Fellows, Nothing leſs then to defend the Life, the Eſtate, the Reputation and the Poſterity of this Honourable Perſon at the Bar; and if therein we ſhall be the more preſſing, we hope your Lordſhips will interpret this our forwardneſs to be for Honeſty and Conſcience ſake in a matter that nearly concerneth both. But it ſhall be our endeavour to carry our ſelves with our beſt Reſpects to your Lordſhips, and with all Content and Satisfaction that may be to the Houſe of Commons.

And becauſe your Lordſhips mentioned the matter of Fact, one thing I dare be bold to ſay, That all the time of this Noble Lord's Defences, he did not ſo much as crave any of our Opinions, or acquaint us with any thing that tended that way; and for the matter of Law, Thoſe Statutes cited by himſelf, and offered to your Lordſhips Conſideration, were none of our ſtock, but taken up at his own adventure: I do not ſpeak this to derogate from the pertinency of thoſe Statutes, (for they ſhall be the ſubject of my Diſcourſe) but that the Noble Lord may not be diſappointed of your Lordſhips right Conception, and his own due praiſe.

My Lords, *It is your Pleaſure we meddle not with matter of Fact, and indeed we need not meddle at all with it, becauſe we hope it is already done, and that ſufficiently to our hands; yet the matter of Law doth ſo naturally ariſe out of the matter of Fact, that of neceſſity, by your Lordſhips Favour, we muſt ſometimes touch on this, if we ſpeak to that. Nor do we conceive it poſſible for us to ſpeak advantagiouſly enough for the Lord* Strafford's *juſt Defence, unleſs the whole matter of Fact be determined as either proved, or not proved, or at leaſt ſome ſtates of Queſtions agreed upon where we may fix and ſettle our Arguments. And ſo it is, my Lords, that I have choſen not at all to touch the Matter of Law, untill your Lordſhips ſhall be pleaſed to chalk me out a Way, unleſs it be to clear your Judgments in one Statute only,* viz. 25 Ed. 3. *becauſe when the ſame was alledged by the Lord* Strafford *for his own Defence; that not being convict by the letter thereof, he*

1641. *could not be convict of Treaſon, I remember the* Salvo *of that Statute was much inſiſted upon by thoſe from the Houſe of Commons, as much conducing to their Ends.*

My Lords, *I will firſt ſpeak of the Statute it ſelf, and then of its* Salvo, *or Proviſion; the Statute is,* That if any man ſhall intend the Death of the King, the Queen, or their Children, kill the Chancellor, or a Judge upon the Bench, imbaſe the Kings Coyn, or counterfeit the Broad Seal, *&c.* he ſhall be convicted and puniſhed as a Traytor.

That the Lord Strafford *comes within the letter of this Statute, is not ſo much as once alledged, nor indeed can it be with any Reaſon; All that can be ſaid, is, that by relation or argument* à minore ad majus, *he may be drawn thither: And that this cannot be, I humbly offer theſe Conſiderations:*

1. *This is a Declarative Law, and ſuch are not to be taken by any way of Conſequence, Equity or Conſtruction, but by the letter only; otherwiſe they ſhould imply a contradiction to themſelves, and be no more Declarative Laws, but Laws of Conſtruction.*

Secondly, This is a Penal Law, and ſuch (if our Ground hitherto unqueſtion'd, holds good) can admit of no Inductions or Inferences: for Penalties are to perſwade the keeping of known Laws, not of Laws conjectural ambiguous, and by Conſequence, which perhaps the moſt Learned may not in their diſputes queſtion, much leſs the Subject (who is not to interpret the Statute) doubt of in the point of Obedience, nay rather without doubt he is to obey the letter of the Statute, and conceive (and that truly) that he is not liable to the Penalty.

Thirdly, We have a notable Statute 13 Eliz. c. 2. *whereby it is declared, That* the bringing of Bulls from *Rome* to ſtir up the Subjects to Mutiny and Rebellion, ſhall be puniſhed as Treaſon. *Now, if by interpretation or by conſequence this ſenſe might have been thruſt upon preceding Statutes, the making this had been ſuperfluous, and the perſons then charged with that Crime might have been impeached of Treaſon even before the making of this Act.*

Fourthly, Anno 21 Ed. 3. *we have a Statute declaring, That* for a Servant to kill his Maſter, is an Act of Treaſon, *and in the* 27th *Year of the ſame King a Proceſs was framed againſt a man of Treaſon for Killing his Father, grounded upon the ſame Argument* à Majori ad Minus, *but it was found, and the Sentence is yet in the Records, that although in the* 21 *of* Ed. 3. *that Argument might have been admitted; yet in the* 27 *it could not, by reaſon of the Declarative Law intervening in the* 25th *Year. And this Caſe comes very home to the point in hand.*

My Lords, I will not demand what kind of Offence it may be for a man to Subvert the Fundamental Laws of a Kingdom? the Crime doubtleſs is unnatural and monſtrous, and the puniſhment muſt keep the ſame proportion, only I muſt preſume to offer theſe few things to your conſideration; 1. *That one or more Acts of Injuſtice whether malitiouſly or ignorantly done, can in no ſenſe of Law be called the Subverſion of the Fundamental Laws, otherwiſe as many Judges perhaps ſo many Traytors. It is very incident to Man's Nature to Err, nor doth the Lord* Strafford *plead his Innocence in Overſights but in Treaſon.* 2. *I do remember the Caſe of* John de la Pool *Duke of* Suffolk; *this man in the* 26 H. 6. *was charged by the Houſe of Commons with Eight Articles of Treaſon, and thoſe too very like to theſe againſt the Lord* Strafford. 1. *That he had given the King bad Advices.* 2. *That he had embaſed his Coyn.* 3. *That he had Seſſed Men of War.* 4. *That he had given out Summary Decrees.* 5. *That he had impoſed Taxes.* 6. *That he* *he had Corrupted the Fountain of Juſtice. 7. That he had perſwaded the King to unneceſſary War. 8. To the giving up* Anjou *in* France. Ovum Ovo.

And for all theſe, though he was charged with High Treaſon for wronging the Right of the Subject, and Subverting the Fundamental Lawes of the Kingdom, yet after long agitation, the matter was found by the Lords in Parliament, not to imply Treaſon, but only Felony. Add to this another Caſe in the 23 H. 8. *where one was charged for Subverting the* Engliſh *Laws, and yet no Treaſon charged upon him. Add to both theſe the Caſe of* Richard Larkes *pleaded at the Common-Pleas, who was charged with Treaſon for ſubverting the Law, but convicted only of Felony. By which you may ſee, my Lords, what to this time hath been the Judgment of ſubverting the Lawes.*

Thirdly, It is very conſiderable, That the Lord Strafford *is not charged to have Subverted the Laws, but only to have Intended to ſubvert the Fundamental Laws: and this I conceive, if there were no more, might keep him free from that Statute of* 25 Ed. 3. *for although as touching the Life of the King, the Queen and Children, Intention is a Treaſonable Act, yet in all other things there mentioned, there muſt be Action beſides Intention: For it is not ſaid, That if a Man doth intend to kill a Chancellor, it ſhall be Treaſon; but only if he doth kill him; and if he doth Actually counterfeit the Broad Seal: And although a man ſhould prepare a Furnace, make ready his Stamp, and melt his Bullion; yet if he gives not the King's Impreſs upon the Coyn, all his intentions, yea his preparations will not ſerve to make up a Charge of Treaſon. And this, under favour, may ſerve to anſwer the Caſe of* Guido Faux, *lately objected, unleſs it be alledged that the Lord* Strafford *had as real an intention againſt the King's Life as* Faux *had: for though the Intention in that Caſe be Treaſon by the Statute, yet in all other things there is no Treaſon without the Action; ſo immenſe and vaſt a Difference both is and ought to be, betwixt a Project againſt the Royal Blood, and all things elſe of a lower and inferiour Nature.*

You ſee then, My Lords, that the body of the Statute cannot ſtrike againſt the Lord Strafford *neither in letter nor conſequence; this is not, that muſt not be. All that can be ſaid is, That yet his Fact may be Treaſon by the Common Law; For my part, I profeſs my Ignorance, who ever thought the Common Law might declare but never make a Treaſon; that is, it muſt be preſuppoſed that there is a Statute whereupon to build the Declaration, and therefore to ſay that there is no Statute for it, is to ſay it is no Treaſon at all. The Statute ever makes the Treaſon; and to be declared to be Treaſon either by Common Law, or by Parliament, are but two different ways of proceeding, and muſt both reſolve into one Principle: nay, and which comes home to the point, in the* 21 Ed. 3. *to kill a man imployed in the King's War, was Treaſon; and* 23. *to kill the King's Meſſenger was Treaſon by Declaration of the Common Law, but alwayes by reaſon of the Statute; yet none of theſe are now Treaſon, but Felony only by reaſon of the intervening Statute of* 25 Ed. 3. *Such hath ever been thought the force of its Letter and Declaration.*

And ſo I leave it, and will ſpeak a word or two of the Salvo, *which is,* That becauſe all Particulars could not be then determined, therefore what the King and his Parliament ſhould declare to be Treaſonable in time to come, ſhould be puniſhed as Treaſon. *And according to this Reſervation, in the* 8 Ric. 2. *one* M—— *was charged before the Kings-Bench, and afterwards referred to the Parliament, and there though the Fact was not con-*

tained in the Body of the Statute yet becauſe of the Proviſo *it was adjudged Treaſon.*

In the 11th *Year of the ſame King, the Duke of* Ireland, *and* Nevil *Archbiſhop of* York *were impeached of High Treaſon by* Gloceſter, Arrundel *and* Warwick, *and, notwithſtanding the Statute, were convicted thereof by the* Salvo. *But in the* 21 *of the ſame* Rich. 2. *the Tide turned, and the King had ſuch a hand with the Parliament, that the Sentence was recalled, and thoſe three Noblemen themſelves were adjudged Traytors.*

Again, in the Firſt Year of H. 4. *his Succeſſor, that Revocation of the* 21 Rich. 2. *was repealed, and the Sentence of the* 11*th of his Reign Reeſtabliſhed; ſuch were the Toſſings to and fro of Treaſon; and all becauſe of that uncertain* Proviſo. *Therefore it was, that in the ſame Parliament,* 1 H. 4. *a Petition was preferred by the Nobility, to have Treaſon limited within ſome Statute, becauſe they knew not either what to ſpeak, or what to do for fear thereof: And in* Chap. 10. *an Act was made upon this Petition, That that* Salvo *ſhould be holden Repealed in all time to come, and nothing Eſteemed Treaſon, but what was literally contained in the Statute* 25 Ed. 3. *And then it is ſaid in the Record, that there was great Joy at the making of this* Act, *in that the drawn Sword hanging over every man's head by this ſlender thread of a Conſequence or Illation, was removed by that Act. Add to this, that* 1 Mariæ, c. 1. *the ſame is repeated, that* No man ſhall be puniſhed in Life or Eſtate as a Traitor, but for the Crimes contained in the Statute 25 *Ed.* 3. *without the leaſt mention of the pretended* Salvo.

The Earl of Northumberland'*s Caſe comes nigh to the point; he was charged with Treaſon,* 5 H. 4. *and if the Statute of* 1 H. 4. c. 10. *whereby the Proviſo is repealed, had not intervened, no doubt he had been condemned of Treaſon; but he was convict of Felony, and that becauſe he could not be drawn within the Letter of that Statute* 25 Ed. 3. *and I dare confidently ſay it, That ſince that Act made* 1 H. 4. c. 10. *whereby the* Proviſo *is repealed, no man hath ever been declared a Traitor, either by the King or Parliament, except it were upon that or ſome other Statute litterally and declaratively taken. Theſe two things I do offer to your Lordſhips Conſideration, that the Lord* Strafford *cannot be Impeached of Treaſon by the Statute of* 25 Ed. 3. *and that the* Salvo *contained in the ſame, ſtands repealed almoſt* 200 *Years ago. And this is all I conceive to be neceſſary for that Statute which was alledged by the Lord* Strafford *in his Defence for matter of Law.*

Then the Recorder Mr. *Gardener* ſpoke ſomething to this purpoſe,

That what was ſpoken upon that Statute, was becauſe it ſeemed inſeparable from the matter of Fact; That they could proceed no further, till a ſtate were afforded to them; That to do otherwiſe, they conceived might be Exceeding prejudicial to the Earl of Strafford: 1. *In regard that they ſhould ſuppoſe that to be done, which is not proved to be ſo.* 2. *That the matter of Law ariſeth ſo naturally from the matter of Fact, that it will be impoſſible to ſeparate them one from the other.* 3. *That it is the Courſe of all Judicatures firſt to ſettle the Verdict, and upon that to fix the Arguments; otherwiſe he could conceive no poſſible Way of Proceeding: and therefore in the Lord* Strafford'*s name he moſt humbly intreated their Lordſhips either wholly to determine the matter of Fact, not whether Treaſon or not, for then all after-Proceedings in Law were unneceſſary; but whether done or not done; or elſe to give them ſome ſtates of the Queſtion whereunto they might conform themſelves.* Whereupon the Court adjourned.

1641.

Munday, April 19.

But the Commons were reſolved to purſue another Method, and nothing now would do but the Bill of Attainder; and accordingly upon *Monday, April* 19, it was Reſolved upon the Queſtion,

That the Endeavour of Thomas *Earl of* Strafford *to Subvert the Antient and Fundamental Laws of the Realm of* England *and* Ireland, *and to introduce an Arbitrary and Tyrannical Government againſt Law in Both theſe Kingdoms, is High Treaſon.*

By which Vote, they not only precluded all further Argument as to matter of Law, but made themſelves Accuſers, Parties and Judges both as to Matter of Fact and Law alſo.

Wednſday, April 21. Bill of Attainder of the E. of *Strafford*, read thrice in one day and paſſed the Commons.

Upon *Wedneſday, April* 21. the Bill of Attainder was twice read in the Morning with the Amendments, and ordered to be ingroſſed; and ſo eager were they in the Proſecution, that it was read again in the Afternoon, and the Houſe was divided upon it; the Lord *Digby* and Mr. *Lloyd* tellers for the *Yeas*, Sir *Gilbert Gerrard* and Sir *Thomas Barrington* tellers for the *Noes*; with the *Noes* were 59; with the *Yeas*, 204. ſo the Bill paſſed the Houſe of Commons being thrice read in one Day, and Mr. *Pym* by Order of the Houſe carried it up to the Lords, with a ſpecial Recommendation to their Lordſhips to give it all Expedition in regard of the great Importance; acquainting them, *That the Commons would be ready to Juſtifie the Legality of the Bill.*

But notwithſtanding the Tide run with that impetuous Violence againſt this Noble Lord, that to oppoſe it, muſt hazard drowning; and that doubtleſs Fear carried as many down the ſtream as Judgment; yet ſo great was the Power of his Innocence, and the Force of Truth, that even the Lord *Digby*, one who while he thought him Criminal was his ſevereſt Accuſer; yet diſcerning the unjuſt practices againſt the Earl, he became his Advocate; though all the advantage he got, was by generouſly endeavouring to ſave the Lord *Strafford*, he loſt his own Eſteem both in the Houſe of Commons, and among the Faction, and from that moment became their declared Enemy, by being a Bold Friend of Truth and Juſtice. So it happens, while men out of too much Popularity court or follow a Faction, they kindle a fire, which when they would quench, they periſh in thoſe Flames, which they help'd to blow up.

However, this Speech of the Lord *Digby*'s gives a clear light into the Dark Contrivance, which brought this Great Life to an untimely Period, and was as followeth.

The Lord *Digby*'s Speech at the paſſing the Bill of Attainder againſt the Earl of *Strafford*, *Apr.* 21.

Mr. Speaker,

WE are now upon the point of giving (as much as in us lies) the Final Sentence unto Death or Life on a great Miniſter of State, and Peer of this Kingdom, Thomas *Earl of* Strafford, *a Name of hatred in the preſent Age, by his practices, and fit to be made a Terrour to future Ages by his Puniſhment.*

I have had the Honour to be Imployed by the Houſe in this great buſineſs, from the firſt hour that it was taken into Conſideration; It was matter of great Truſt, (and I will ſay with confidence) that I have ſerved the Houſe in it both with Induſtry, according to my ability, and with moſt exact Faithfulneſs and Secrecy.

And as I have hitherto diſcharged my Duty to this Houſe, and to my Country, in the Progreſs of this Great Cauſe, ſo I truſt I ſhall do now in the laſt period of it, to God and to a good Conſcience.

I do wiſh the peace of that unto my ſelf, and the bleſſings of Almighty God to me and my Poſterity, according as my judgment on the life of this man ſhall be conſonant with my heart, and the beſt of my underſtanding in all Integrity.

I know well Mr. Speaker, that by ſome things I have ſaid of late, whilſt this Bill was in agitation, I have raiſed ſome prejudices upon me in the Cauſe.

Yea ſome (I thank them for their plain dealing) have been ſo free as to tell me, that I ſuffered much by the backwardneſs I have ſhewn in this Bill of Attainder of the Earl of Strafford, againſt whom I had been formerly ſo keen and ſo active.

Mr. Speaker, I beg of you and the reſt but a ſuſpenſion of Judgment concerning me, till I have opened my heart unto you freely and clearly in this buſineſs.

Truly Sir, I am ſtill the ſame in my Opinions and Affections, as unto the Earl of Strafford, I confidently believe him the moſt dangerous Miniſter, the moſt inſupportable to free Subjects that can be charactered.

I believe his Practices in themſelves have been as High, as Tyrannical, as any Subject ever ventured on, and the malignity of them are hugely aggravated by thoſe rare abilities of his, whereof God hath given him the uſe, but the Devil the application (in a word) I believe him ſtill that grand Apoſtate to the Common-wealth, who muſt not expect to be pardoned in this World, till he be diſpatched to the other. And yet let me tell you Mr. Speaker, my hand muſt not be to that diſpatch, I proteſt, as my Conſcience ſtands informed, I had rather it were off.

Let me unfold unto you the myſtery, Mr. Speaker, I will not dwell much upon juſtifying unto you my ſeeming variance at this time from what I was formerly, but by putting you in mind of the difference between Proſecutors and Judges.

How miſbecoming that fervour would be in a Judge, which perhaps was commendable in a Proſecutor; Judges we are now, and muſt put on another Perſonage.

It is honeſt and noble to be earneſt in order to the diſcovery of Truth, but when that hath been brought as far as it can to light, our judgment thereupon ought to be calm and cautious.

In proſecution upon probable Grounds, we are accountable only for our induſtry or remiſneſs; but in judgment, We are deeply reſponſible to God Almighty, for it's Rectitude or Obliquity in caſes of Life, the Judge is God's Steward of the Partie's blood, and muſt give a ſtrict account for every drop.

But as I told you, Mr. Speaker, I will not inſiſt long upon the Ground of Difference in me now, from what I was formerly.

The truth on't is, Sir, the ſame Ground whereupon I (with the reſt of the Five, to whom you firſt committed the Conſideration of my Lord Strafford) brought down our Opinion, That it was fit he ſhould be Accuſed of Treaſon, upon the ſame Ground I was engaged with earneſtneſs in his Proſecution, and had the ſame Ground remained in that force of belief with me, which, till very lately it did, I ſhould not have been tender in his Condemnation. But truly, Sir, to deal plainly with you, that Ground of our Accuſation, That Spur to our Proſecution, and that which ſhould be the baſis of my judgment, of the Earl of Strafford, as unto Treaſon, is to my underſtanding quite vaniſht away.

This it was, Mr. Speaker,

His adviſing the King to employ the Army of Ireland, to reduce England.

This I was, aſſured would be proved, before I gave my conſent to his Accuſation. I was confirmed in the ſame belief, during the Proſecution, and fortified in it moſt of all ſince Sir Henry Vane's preparatory Examination, by the aſſurances which that worthy Member, Mr. Pym gave me, that his Teſtimony would be made convincing, by ſome Notes of what paſſed at that Junto concurrent with it, which I ever underſtanding to be of ſome other Councellor, you ſee now, prove but a Copy of the ſame Secretaries Notes, diſcovered and produc'd in the manner you have heard, and thoſe ſuch diſjoynted Fragments of the Venomous part of Diſcourſes, no Reſults, no Concluſions of Counſels, which are the only things that Secretaries ſhould Regiſter, there being no uſe at all of the other, but to Accuſe and to bring men into danger.

But, Sir, this is not that which overthrows the Evidence with me, concerning the Army of Ireland; nor yet, that all the reſt of the Junto, upon their Oaths, remember nothing of it.

But this, Sir, which I ſhall tell you, is that which works with me, under favour, to an utter overthrow of his Evidence, as unto that of the Army of Ireland; before, whilſt I was a Proſecutor, and under tye of Secrecy, I might not diſcover any weakneſs of the Cauſe, which now as a Judge I muſt.

Mr. Secretary was examined thrice upon Oath, at the preparatory Committee.

The firſt time he was queſtioned to all the Iterrogatories, and to that part of the Seventh, which concerns the Army of Ireland*: He ſaid poſitively in theſe words,* I cannot Charge him with that. *But for the reſt, he deſires time to recollect himſelf, which was granted him.*

Some days after he was Examined a ſecond time, and then depoſes theſe words, concerning the King's being Abſolved from Rules of Government, and ſo forth, very clearly. But being preſt to that part, concerning the Iriſh *Army, He ſaid again,* I can ſay nothing to that.

Here we thought we had done with him, till divers weeks after, my Lord of Northumberland, *and all others of the* Junto, *denying to have heard any thing concerning thoſe words, Of reducing* England *by the* Iriſh *Army. It was thought ſit to Examine the Secretary once more, and then he depoſes theſe words to have been ſaid by the Earl of* Strafford *to His Majeſty,* You have an Army in *Ireland*, which you may employ here, to reduce *(or ſome word to that ſence.)* this Kingdom.

Mr. Speaker, *theſe are the Circumſtances which, I confeſs with my Conſcience, thruſt quite out of doors that Grand Article of our Charge, concerning his deſperate Advice to the King, of employing the* Iriſh *Army here.*

Let not this, I beſeech you, be driven to an Aſperſion upon Mr. Secretary, as if he ſhould have Sworn otherwiſe than he knew or believed; he is too worthy to do that; only let thus much be inferred from it, that he, who twice upon Oath, with time of Recollection, could not remember any thing of ſuch a buſineſs, might well a third time miſ-remember ſomewhat in this buſineſs, the difference of one Letter, here fer there, or that for this, quite alters the Caſe, the latter alſo being more probable, ſince it is confeſt of all hands, that the Debate then was concerning a War with Scotland; *and you may remember, that at the Bar he once ſaid, To employ there. And thus, Mr.* Speaker, *I have faithfully given you an account what it is that hath blunted the edge of the Hatchet or Bill with me towards my Lord of* Strafford.

This was that whereupon I Accuſed him with a free heart, Proſecuted him with earneſtneſs, and had it, to my underſtanding, been proved, ſhould have condemned him with Innocence. Whereas now I cannot ſatisfie my Conſcience to do it.

I profeſs, I can have no notion of any bodies intent to ſubvert the Laws Treaſonably, or by force; and this deſign of Force not appearing, all his other wicked practiſes cannot amount ſo high with me.

I can find a more eaſie and more natural Spring, from whence to derive all his other Crimes, than from an intent to bring in Tyranny, and to make his own Poſterity, as well as Us, Slaves; as from Revenge, from Pride, from Avarice, from Paſſion, and Inſolence of Nature.

But had this of the Iriſh *Army been proved, it would have diffuſed a Complexion of Treaſon over all, it would have been a Withe, indeed, to bind all thoſe other ſcattered and leſſer branches, as it were, into a Faggot of Treaſon.*

I do not ſay but the reſt may repreſent him a man as worthy to dye, but perhaps worthier than many a Traytor. I do not ſay, but they may juſtly direct Us to Enact, That they ſhall be Treaſon for the future.

But God keep me from giving Judgment of Death on any man, and of Ruine to his innocent Poſterity, upon a Law made a Poſteriori.

Let the Mark be ſet on the door where the Plague is, and then let him that wilenter dye.

I know, Mr. Speaker, *there is in Parliament a double Power of Life and Death by Bill, a Judicial Power, and a Legiſlative; the meaſure of the one, is what's legally juſt; of the other, what is Prudentially and Politickly fit for the good and preſervation of the whole. But theſe two, under favour, are not to be confounded in Judgment: We muſt not piece up want of legality with matter of convenience, not the defailance of prudential fitneſs with a pretence of legal Juſtice.*

To Condemn my Lord of Strafford *Judicially, as for Treaſon, my Conſcience is not aſſured that the matter will bear it.*

And I do it by the Legiſlative Power, my reaſon conſultively cannot agree to that, ſince I am perſwaded, neither the Lords nor the King will paſs the Bill, and conſequently that Our paſſing it will be a Cauſe of great diviſions and Combuſtions in the State.

And therefore my humble advice is, That laying aſide this Bill of Attainder, We may think of another, ſaving only Life, ſuch as may ſecure the State from my Lord of Strafford, *without endangering it, as much by Diviſion concerning his Puniſhment, as he hath endangered it by his practices.*

If this may not be hearkened unto, Let me conclude, in ſaying that unto you all, which I have throughly inculcated to mine own Conſcience upon this occaſion. Let every man lay his hand upon his Heart, and ſadly conſider what We are going to do, with a Breath, either Juſtice or Murther; Juſtice on the one ſide, or Murther heightned and aggravated to its ſupreameſt extent. For as the Caſuiſts *ſay, That he who lies with his Siſter commits Inceſt, but he that marries his Siſter ſins higher, by applying God's Ordinance to his Crime: So doubtleſs he that commits Murther with the Sword of Juſtice, heightens that Crime to the utmoſt.*

The danger being ſo great, and the Caſe ſo doubtful, that I ſee the beſt Lawyers in diametral oppoſition concerning it: Let every man wipe his Heart, as he does his Eyes, when he would Judge of a nice and ſubtile Object. The Eye if it be pretincted with any colour, is vitiated in its diſcerning. Let us take heed of a blood-ſhotten Eye in Judgment.

Let every man purge his Heart clear of all paſſions, (I know this great and wiſe Body-politick can have none, but I ſpeak to individuals, from the weakneſs which I find in my ſelf;) away with perſonal Animoſitites; away with all flatteries to the people, in being the ſharper againſt him, becauſe he is odious to them; away with all fears, leſt by the ſparing his blood they may be incens'd; away with all ſuch Conſiderations, as that it is not fit for a Parliament, that one Accuſed by it of Treaſon, ſhould eſcape with Life.

Let not former Vehemence of any againſt him, nor fear from thence, that he cannot be ſafe while that man lives, be an ingredient in the Sentence of any one of Us.

Of all theſe Corruptives of Judgment, Mr. Speaker, *I do before God diſcharge my ſelf to the uttermoſt of my Power.*

And do with a clear Conſcience waſh my hands of this mans blood, by this ſolemn Proteſtation, That my Vote goes not to the taking of the Earl of Strafford's *Life.*

Exceptions were taken at this Speech upon *Friday* following, and the Lord *Digby* Explained himſelf; but for the preſent there was nothing done in it; though afterwards the ſleeping Revenge rouſed it ſelf to ſome purpoſe; for upon the 15*th* of *July*, to do him all the infamy they could, this Speech was by Order of the Houſe burnt by the hand of the Common Hangman in *Smithfield*, *Palace Yard*, and in the *Royal Exchange.*

Saturday, April 24.

The Lords made no great haſt in diſpatching the Bill of Attainder, and therefore the Faction fell upon other Methods of quickening them; one of which was a Petition from many Thouſands of the City, which was upon *Saturday* preſented by them to both Houſes, thereby to make it appear the Deſire of the City; and, to ſpeak truth, they had ſtrangely Exaſperated the City againſt him, as will appear by the Petition which follows.

To the moſt Honourable Aſſembly of the Lords and Commons in this preſent Parliament.

The humble Petition of divers Citizens of London

SHEWETH,

The firſt Petition of the Citizens againſt the Earl of *Strafford*, *April* 24.

T*Hat notwithſtanding His Majeſties Gracious Anſwer, to the humble Petition of his Loyal Subjects, in Summoning this Parliament, with the great Care and Endeavoured pains taken by both Houſes, for the removing the heavy Grievances in Church and Common-wealth; whereof the Petitioners have already received ſome Fruit, for which they deſire to return their moſt humble and utmoſt Thanks; yet nevertheleſs they are enforced, with all Humility, to repreſent to this moſt Honourable Aſſembly, ſome of thoſe*

thoſe Obſtructions which do ſtill hinder that freedom and fulneſs of Trade in this City they have formerly had, and, which conſidering the numerous multitude thereupon depending, they conceive it not able comfortably to ſubſiſt.

As the unſetled Condition of the Kingdom, even ſince the Troubles in Scotland, *hath cauſed both Strangers, and alſo ſome of our own, who did furniſh great ſumms of money to uſe, to call it in, and remit much of it by Exchange into Forraign Parts, and ſtand now in expectation of what the Iſſue of things may be.*

The ſtopping Money in the Mint, which till then was accounted the ſafeſt place, and ſureſt Staple in theſe parts of the World, ſtill doth hinder the Importation of Bullion; the Scots *now* diſabled *to pay ſuch Debts as they owe to the Petitioners, and others in the City; and by reaſon of the Oppreſſions exerciſed in* Ireland, *their Debts alſo are detained there.*

The Engliſh*-Trade, by reaſon of our general Diſtractions and Fears, is ſo much decayed, that Country Trades-men cannot pay their Debts in* London *as formerly.*

The great Sums of Money unduly taken by His Majeſties Officers and Farmers, for Impoſitions upon Merchandize Exported and imported, and the want of Relief in Courts of Juſtice againſt them.

The drawing out from the City great Sums of Money (which is the Life and Spirit of Trade) for His Majeſties Service in the North, *and being there employed, is not yet returned.*

Beſides all which, from what ſtrong and ſecret Oppoſition the Petitioners know not; they have not received what ſo much time and pains might give and cauſe to hope, but ſtill Incendiaries of the Kingdoms, and other Notorious Offenders, remain unpuniſhed: The Affairs of the Church, notwithſtanding many Petitions concerning it, and long Debate about it, remains unſetled; the Papiſts *ſtill Armed, the Laws againſt them not Executed, ſome of the moſt Active of them ſtill at Court, Prieſts and Jeſuits not yet Baniſhed, the* Iriſh *Popiſh-Army not yet Disbanded, Courts of Juſtice not yet reformed, and the Earl of* Strafford, *who as now appears, hath Counſelled the Plundring of this City, and putting it to Fine and Ranſom; and ſaid, It would never be well, till ſome of the Aldermen were hang'd up, becauſe they would not yield to Illegal Levies of Monies, had ſo drawn out and ſpent this time in his buſineſs, to the very great Charge of the whole Kingdom, and his endeavour to obtain yet more, all which makes us fear there may be practices now in hand to hinder the Birth of your great endeavours, and that we lie under ſome more dangerous Plot than we can diſcover.*

All which Premiſſes, with their Fears and Diſtractions, growing there-from, and from things of the like nature; the Petitioners humbly offer to the moſt grave Conſideration of this moſt Honourable Aſſembly, as being the true Cauſes of decay of Trade, diſcouragement of Trades-men, and of the great ſcarcity of Monies, with the Conſequences they labour under.

And do humbly pray, That their ſad Grievances may be Redreſſed, the Cauſes of their Fears removed, Juſtice executed upon the ſaid Earl, and other Incendiaries and Offenders, the rather, in regard till then the Petitioners humbly conceive neither Religion, nor their Lives, Liberties, or Eſtates can be ſecured.

And as in Duty bound, they ſhall ever pray, &c.

But all they could do notwithſtanding the frequent Conferences and Debates, the Lords reſolved to hear what the Councel would firſt ſay upon the Legality of the Bill; upon which this Meſſage was ſent to the Commons by Judge *Foſter* and *Judge Heath, That their Lordſhips will be ready to meet at a Conference by a Committee of both Houſes at Nine of the Clock upon* Thurſday *Morning in* Weſtminſter-Hall, *there to hear this Houſe according to their own Offers when they brought up the Bill of Attainder of the Earl of* Strafford.

Wedneſday; April 28.

Mr. *Hide* was this Day ſent up to the Lords, to acquaint them with *the Fears they have that the Earl of* Strafford *may deſign to Eſcape; That he hath Ships at Sea at Command, and the Guards weak, and to deſire he may be made a cloſe Priſoner, and the Guards ſtrengthened.*

1641.

To which the Lords anſwered, *They would take it into Examination, and give Directions accordingly*.

Thurſday, April 29.

Upon *Thurſday* the Houſes being met at the Hall, the King, Prince and Queen being preſent, Mr. *St. Johns*, to whom that Province was conſigned by the Commons, made his Argument of the Legallity of the Bill of Attainder as followeth.

Mr. St. *John's* Argument at Law, for paſſing the Bill of Attainder, *April 29.*

My Lords,

THE Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, have paſſed a Bill, for the Attainting of *Thomas* Earl of *Strafford* of High-Treaſon. The Bill hath been tranſmitted from them to your Lordſhips; it concerns not him alone, but your Lordſhips and the Commons too, though in different reſpects.

It concerns his Lordſhip the higheſt that can be in the Penal Part; ſo it doth, on the other ſide, as highly concern your Lordſhips and the Commons, in that which ought to be the tend'reſt, the Judicatory within that, that Judge not them who Judge him, and in that which is moſt Sacred amongſt Men, the Publick Juſtice of the Kingdom.

The King is to be accounted unto, for the loſs of the meaneſt Member, much more of one ſo near the Head.

The Commons are concerned in their Account for what is done, your Lordſhips in that which is to be done.

The buſineſs therefore of the preſent Conference, is to acquaint your Lordſhips with thoſe things, that ſatisfy'd the Commons in Paſſing of this Bill; ſuch of them as have come within my capacity, and, that I can remember, I am Commanded from the Commons at this time, to preſent unto your Lordſhips.

My Lords, in Judgment of greateſt Moment, there are but two wayes for ſatisfying thoſe, that are to give them; either the *Lex lata*, the Law already eſtabliſhed, or elſe the uſe of the ſame Power for making new Laws, whereby the old at firſt received life.

In the firſt conſideration of the ſetled Laws, in the degrees of Puniſhment, the Poſitive Law, received by General Conſent, and for the Common Good, is ſufficient, to ſatisfie the Conſcience of the Judge, in giving Judgment according to them.

In ſeveral Countries, there is not the ſame meaſure of Puniſhment, for one and the ſame Offence; Wilful Murder in *Ireland* it is Treaſon, and ſo is the wilful Burning of a Houſe, or a Stack of Corn: In the Iſle of *Man* it is Felony to Steal a Hen, but not to Steal a Horſe; and yet the Judge in *Ireland*, hath as juſt a Ground to give Judgment of High-Treaſon in thoſe Caſes there, as here to give Judgment only of Felony; and in the Iſle of *Man* of Felony for the Hen, as here for Petty-Larceny.

My Lords, in the other Conſideration of uſing the Supream Power, the ſame Law gives Power to the Parliament to make new Laws, that enables the inferiour Court, to Judge according to the old. The Rules that guides the Conſcience of the inferiour Court is from without, the Preſcripts of the Parliament, and of the Common-Law; in the other, the Rule is from within, that *Salus Populi* be concerned, that there be no wilful oppreſſion of any of the Fellow-Members, that no more Blood be taken than what is neceſſary for the Cure; the Laws and Cuſtomes of the Realm as well enable the Exerciſe of this, as of the Ordinary and Judicial Power.

My Lords, What hath been ſaid, is, becauſe that this proceeding of the Commons by way of Bill, implies the uſe of the meer Legiſlative Power, in reſpect new Laws are for the moſt part paſt by Bill.

This, My Lords, though juſt and legal, and therefore not wholly excluded; yet it was not the only ground that put the Commons upon the Bill, they did not intend to make a new Treaſon, and to condemn my Lord of *Strafford* for it; they had in it other conſiderations likewiſe, which were to this effect.

Firſt, The Commons knew, that in all former Ages, if doubts of Law aroſe of great and general concernments, the Parliament was uſually conſulted withal for reſolution, which is the reaſon that many Acts of Parliament are only Declarative of the Old Law, not Introductive of a New, as the great *Charter* of our Liberties; The Statute of Five and Twentieth year of *Edward* the Third of Treaſons; The Statute of the Prerogative, and of late the Petition of Right; if the Law were doubtful in this Caſe, they perceived the Parliament (where the old way is altered, and new Laws made) the fitteſt Judge to clear this Doubt.

Secondly, My Lords, they proceeded this way, to obviate thoſe Scruples and Delayes, which through diſuſe of proceedings of this nature, might have riſen in the manner and way of proceedings, ſince the Statute of the Firſt of *Hen.* 4. *Cap.* 17. and more fully in the Roll, number 144. The proceedings of *Parliament* have uſually been upon an Indictment firſt found, though in Caſes of Treaſon particularly mentioned in the Statute of 25 *Edw.* 3. which had not been done in this caſe; doubts likewiſe might riſe, for Treaſons, not particularly mentioned in the Statute of 25 *Edw.* 3. whether the Declaratory Power of Parliament be taken away, in what manner they were to be made, and by whom, they find not any Attainders of Treaſon in Parliament, for near this 200 years, but by this way of Bill; and again, they know that whatſoever could be done any other way, it might be done by this.

Thirdly, In reſpect of the Proofs and Depoſitions, that have been made againſt him; for Firſt, although they knew not, but that the whole Evidence which hath been given at the Bar, in every part of it, is ſufficiently comprehended within the Charge, yet if therein they ſhould be miſtaken, if it ſhould prove otherwiſe, uſe may juſtly be made of ſuch Evidence in this way of Bill, wherein ſo as Evidence be given in, it's no way requiſite that there ſhould have been any Articles or Charge at all; and ſo in the caſe of double Teſtimony upon the Statute of the 1 *Edw.* 6. whether one direct Witneſs with others, to circumſtances, had been ſingle or double Teſtimony? And although ſingle Teſtimony might be ſufficient to ſatisfie private Conſciences, yet how far it would have been ſatisfactory in a judicial way, (where forms of Law are more to be ſtood upon) was not ſo clear; whereas in their way of Bill, private ſatisfaction to each man's Conſcience is ſufficient, although no Evidence had been given in at all.

My Lords, The proceeding by way of Bill, it was not to decline your Lordſhips Juſtice in the judicial way, in theſe exigends of the State and Kingdom; it was to Husband time, by ſilencing thoſe doubts, they conceived it the ſpeedieſt and ſureſt way.

My Lords, theſe are in effect, the things the Commons took into their Conſideration, in reſpect of the manner and way of Proceeding againſt the Earl.

In the next place I am to declare unto your Lordſhips, the things they took into their Conſiderations, in reſpect of the Matter and Merits of the Cauſe, and they are comprehended within theſe ſix heads.

1. That there is a Treaſon within the Statute of 25 of *Edw.* III. by Levying of War upon the Matter of the 15*th Article*.
2. If not by actual levying of War, yet by adviſing, and declaring his intention of War, and that by *Savil's* Warrant, and advice of bringing over the *Iriſh* Army upon the Matter in the 23*d Article*; then intending of a War, if not within the clauſe of levying of a War, in the Statute of 25*th Edw.* 3. yet within the firſt Treaſon, of compaſſing the death of the King.
3. If either of theſe two ſingle Acts, is within the Statute of 25*th Edw.* 3. yet upon putting all together, which hath been proved againſt him, that there is a Treaſon within the firſt Clauſe, of Compaſſing the death of the King.

Et ſi non Proſunt ſingula juncta juvant.

1641.

4. That he hath Seſſed, and laid Soldiers upon the Subjects of *Ireland*, againſt their Will, and at their Charge, within the *Iriſh* Statute of the 18*th* year of *Hen. 6th.* that both Perſon and thing are within the Statute; That the Statute remains in force to this day, that the parliament here hath cognizance of it, and that even in the ordinary way of Judicature, that if there be a Treaſon and a Traitor, that the want of Juriſdiction, in the judicial way, may juſtly be ſupplied by Bill.

5. That his endeavouring to ſubvert the Fundamental Laws and Government of the Realms of *England* and *Ireland*; and inſtead thereof, to introduce a Tyrannical Government againſt Law, is Treaſon by the Common-Law; That Treaſons at the Common-Law are not taken away by the Statute of 25*th Edw.* 3, 1 *Hen. 4th. &c.* nor any of them.

6. That as this caſe ſtands, it's juſt and neceſſary to reſort to the Supream Power in Parliament, in caſe all the reſt ſhould fail.

Of theſe ſix, five of them are Treaſon, within the compaſs of the Laws already eſtabliſhed, Three within the Statute of 25*th Edw.* 3. and one within the *Iriſh* Statute, the other by the Common-Law of *England*.

If but any one of theſe Six Conſiderations hold, the Commons conceive, that upon the whole matter, they had good cauſe to paſs the Bill.

My Lords, For the firſt, of Levying War, I ſhall make bold to read the caſe to your Lordſhips before I ſpeak to it, It's thus. The Earl did by Warrant under his Hand and Seal, give Authority to *Robert Savil*, a Sergeant at Arms, and his Deputies, to Seſs ſuch numbers of Soldiers, Horſe and Foot, of the Army in *Ireland*, together with an Officer, as the Sergeant ſhould think fit, upon His Majeſties Subjects of *Ireland*, againſt their Will; this Warrant was granted by the Earl to the end, to compel the Subjects of *Ireland* to ſubmit, to the unlawful Summons and Orders made by the Earl upon Paper Petitions, exhibited to him in caſe of private intereſt between party and party; this Warrant was executed by *Savil* and his Deputies, by Seſſing of Soldiers, both Horſe and Foot, upon divers of the Subjects of *Ireland* againſt their Wills, in Warlike manner, and at divers times the Soldiers continued upon the parties, upon whom they were ſeſſed, and waſted their Goods, until ſuch time as they had ſubmitted themſelves, unto thoſe Summons and Orders.

My Lords, This is a Levying War within the Statute of 25*th Edw.* 3. The words of the Statute are, *If any man do Levy War againſt our Lord the King in His Realm, this is declared Treaſon.*

I ſhall endeavour in this to make clear to your Lordſhips,

1. What ſhall be Levying of War, in reſpect of the motive or cauſe of it.

2. What ſhall be ſaid a Levying of War, in reſpect of the action or thing done.

3. And in the third place, I ſhall apply them to the preſent caſe.

It will be granted in this Levying of War, that Forces may be raiſed, and likewiſe uſed in Warlike manner, and yet no Levying of War within the Statute, that is, when the Forces are raiſed and employed upon private ends, either of revenge or intereſt.

Before the Statute in *Edw.* the 1 time, the Title of a Caſtle was in difference between the Earls of *Hereford* and *Glouceſter*, for the maintaining of the poſſeſſion on the one ſide, and gaining of it on the other; Forces were raiſed on either ſide of many hundred Men; they marched with Banners diſplayed, one againſt another. In the Parliament, in the 20*th* of *Edward* 1. this was adjudged only Treſpaſs, and either of the Earls Fined 1000 Marks apiece.

After the Statute in *Hillary Term*, in the 15*th* year of *Edw.* the 3. in the *King's-Bench Rot.* 3. *Nicholas Huntercome* in Warlike manner with 40 men, armed amongſt other weapons, with Guns (ſo ancient, as appears by that Record, they were) did much ſpoil in the Mannor of the Abby of *Dorcheſter*, in the County of *Oxford*, this was accounted no Treaſon, and ſo it hath been held by the Judges, That if one or more Town-ſhip, upon pretence of ſaving their Commons, do in a forcible and Warlike manner throw in incloſers, this is only a Riot, no Treaſon.

The words of the Statute 25 *Edw.* 3. clear this point, that if any man ride Armed openly or ſecretly with men at Arms, againſt any other, to kill and rob, or to detain him until he hath made Fine and Ranſome for his deliverance, this is declared not to be Treaſon, but Felony or Treſpaſs, as the Caſe ſhall require: all the printed Statutes which have it covertly or ſecret, are miſprinted, for the words in the Parliament Roll, as appears in the 17*th.* are, *Diſcovertment ou Secretement*, Open or Secretly.

Object.

So that my Lords, in this of Levying War, the Act is not ſo much to be conſidered, but as in all other Treaſons and Felonies, *quo animo*, with what intent and purpoſe?

My Lords, If the end be conſiderable in Levying War, it may be ſaid that it cannot be a War, unleſs againſt the King, for the words of the Statute are, *If any man Levy War againſt the King.*

Anſw.

That theſe words extend further than to the perſon of the King, appears by the words of the Statute, which in the beginning declares it to be Treaſon, to compaſs and imagine the death of the King, and after other Treaſons, this is to be declared to be Treaſon, to Levy War againſt the King; If Levying of War, extend no further than to the perſon of the King, theſe words of the Statute are to no purpoſe, for then the firſt Treaſon of compaſſing the King's death, had fully included it before, becauſe that he which Levies War againſt the Perſon of the King, doth neceſſarily compaſs his death.

It's a War againſt the King, when intended for alteration of the Laws or Government in any part of them, or to deſtroy any of the great Officers of the Kingdom. This is a Levying War againſt the King.

1. Becauſe the King doth protect and maintain the Laws in every part of them, and the great Officers, to whoſe care, he hath in his own ſtead, delegated the execution of them.

2. Becauſe they are the King's Laws, he is the Fountain from whence in their ſeveral Channels, they are derived to the Subject: all our Indictments run thus, Treſpaſſes laid to be done, *Contra pacem Domini Regis*, the King's Peace for exorbitant offences, though not intended againſt the King's Perſon, againſt the King, His Crown and Dignity.

My Lords, this conſtruction is made good, by divers Authorities of great weight, ever ſince the Statute of 25*th* of *Edw.* 3. downwards.

In *Richard* the 2*d* time, Sir *Thomas Talbot* conſpired the death of the Dukes of *Glouceſter* and *Lancaſter*, and ſome other of the Peers; for the effecting of it, he had cauſed ſeveral People in the County of *Cheſter*, to be Armed in Warlike manner in Aſſemblies in the Parliament, held in the 17*th* year of *R.* 2. No 20. Sir *Thomas Talbot* being Accuſed of High-Treaſon for this: It's there declared, inſomuch as one of them was Lord High Steward of *England*, and the other High Conſtable, that this was done in deſtruction of the Eſtates of the Realm, and of the Laws of the Kingdom, and therefore adjudged Treaſon, and the Judgment ſent down into the *King's Bench*, as appears, *Eaſter* Term, in the 17*th* year of *R.* 2. in the *King's-Bench Rot.* 16*th.* Theſe two Lords had appeared in the 11*th* of *R.* 2. in maintainance of the Act of Parliament made in the year before, one of them was of the Commiſſioners appointed by Parliament, and one of the Appealors of thoſe who would have overthrown it.

The Duke of *Lancaſter* likewiſe was one of the Lords, that was to have been Indicted of Treaſon, for endeavouring the maintenance of it; and therefore conſpiring of their deaths, is ſaid to be in deſtruction of their Laws. This there is declared to be Treaſon, that concerned the Perſon of the King and Common-wealth.

In that great inſurrection of the Villains, and meaner People, in *Richard* the II. time, they took an Oath, *Quod Regi & Communibus fidelitatem ſervarent*, to be true to the King and Commons, and that they would take nothing but what they paid for, puniſhed all theft with death; here's no Intendment againſt the Perſon of the King; The intent was, to eſtabliſh the Laws of Villanage and Servitude, to burn all the Records, to kill the Judges: This in the Parliament of the 5*th* year of *R.* 2. No 31, 32. the Firſt Part, is declared to be Treaſon againſt the King, and againſt the Law.

In

1641.

In the 11*th* year of *R.* 2. in Parliament, the raiſing of Forces againſt the Commiſſioners, appointed by Act of Parliament the year before, adjudged Treaſon by the Judges.

The Statute 1^{mo} *Mary Cap.* 12. Enacts, That if 12 or more ſhall endeavour by force, to alter any of the Laws or Statutes of the Kingdom, he ſhall from ſuch a time there limited, be adjudged only as a Felon. This Act was to continue but to the next Parliament, it is expired, it ſhews by the words only, that the offence was higher before the making it.

My Lords, In Queen *Elizabeths* time, *Grant* and divers Apprentices of *London*, to the number of 200. roſe, and aſſembled at *Tower-hill*, carried a Cloak upon a Pole inſtead of a Banner, their intent was to deliver divers Apprentices out of Priſon, that had been committed upon a Sentence in the *Star-Chamber* for Riots, to kill the Lord Major of *London*, and for ſetting prizes on Victuals. In *Trinity* Term, 37 *Eliz.* divers of the Judges were conſulted withal, and reſolved, That this was a Levying of War againſt the Queen, being intended againſt the Government and Officers of the Queen, and therefore *Grant* and others were executed as Traytors.

Afterwards, in that Queens time, divers of the County of *Oxford* conſulted, to go together from Houſe to Houſe in that County, and thence to *London* and other parts, to excite them to take up Arms, for the throwing in of all incloſures throughout *England.* Nothing was done, nor no aſſembly. Yet the Statute of 13 *Eliz. Cap.* 1. during the Queens Life, made it Treaſon, to intend, or adviſe to Levy War againſt the Queen.

In *Eaſter* Term 39 of *Eliz.* all the Judges of *England* met about the Caſe, it was reſolved by them, that this was a War intended againſt the Queen; they agreed, That if it had been of one Townſhip or more, upon private intereſt, and claim of right of Common, it had not been Treaſon, but this was to throw in all Incloſures through the Kingdom, whereunto theſe parties ſhould pretend no claim. That it was againſt the Law, in regard that the Statute of *Merton* gave power of Incloſures in many Caſes: upon this reſolution *Bradſaw* and *Burton* were executed at *Ayneſtowhill* in *Oxfordſhire*, the place where they intended the firſt Rendezvous.

So that my Lords, if the end of it be to overthrow any of the Statutes, any part of the Law and ſetled Government, or any of the great Officers intruſted with the execution of them, This is a War againſt the King.

My Lords, It will be further conſiderable, what ſhall be accounted a Levying of War, in reſpect of the Actions and things done; there's a deſign to alter ſome part of the Laws, and preſent Government, for the effecting thereof, People be provided of Arms, gathered together into Troops, but afterwards march not with Banners diſplayed, nor do *Bellum percutere*, whether the Army themſelves, and gathering together upon this deſign, be a War, or ſuch proſecution of the Deſign with force as makes it Treaſon within the Statute?

Firſt, If this be not a War, in reſpect that it neceſſarily occaſions hoſtile preparations on the other ſide.

Secondly, From the words of the Statute, ſhall Levy War, and be thereof probably Attainted of open Deed, by People of their condition; although the bare conſpiring be not an open Deed, yet whether the Arming and drawing of men together, be not an open Declaration of War?

In Sir *Thomas Talbot*'s Caſe before cited, in the Seventeenth year of *R.* II. the Acts of Force are expreſſed in the Parliament Roll; That he cauſed divers of the People of the County of *Cheſter*, to be Armed in a Warlike manner in Aſſemblies, here is no Marching, no Banners diſplayed.

In the Eighth year of *Hen.* VIII. *William Bell* and *Thomas Lacy* in *Com. Kanc.* conſpired with *Thomas Cheyney*, called the *Hermet of the Queen of Faries*, to overthrow the Law and Cuſtoms of the Realm; and for the effecting of it, they with Two hundred more, met together and concluded upon a courſe of raiſing greater Forces in the County of *Kent*, and the adjacent Shires: This adjudged Treaſon; theſe were open Acts.

My Lords, For the application of both theſe, to the caſe in queſtion:

Firſt, In reſpect of the end of it; here was a War againſt the King, it was to ſubvert the Laws, this being the deſign; for the effecting of it, he aſſumed to his own Perſon an Arbitrary Power over the Lives, Liberties, and Eſtates of His Majeſties Subjects, and determined Cauſes upon Paper-Petitions, at his own Will and Pleaſure; Obedience muſt be forced by the Army, this is declared by the Warrant.

My Lords, If it be ſaid that the Warrant expreſſeth not any intent of ſubverting the Laws; It expreſſeth fully one of the principal means, whereby this was to be done, that is, obedience to his Arbitrary Orders upon Paper-Petitions; This was done in reference to the main deſign.

In the caſes of the Town of *Cambridge* and Sir *William Cogan*, they have formerly been cited to your Lordſhips upon other occaſions, the things in themſelves were not Treaſon, they were not a Levying of War.

In that of *Cambridge*, the Town met together, and in a forcible manner broke up the Univerſity-Treaſury, and took of it the Records, and Evidences of the Liberties of the Univerſity over the Town.

In the other, they of *Bridgewater* marched to the Hoſpital, and compelled the Maſter of the Hoſpital, to deliver unto them certain Evidences that concerned the Town, and forced him to enter into a Bond of 200 *l.*

Theſe if done upon theſe private ends alone, had not been a Treaſon, as appears by the very words of the Statute of 25 *Edw.* 3. before mentioned, of marching openly or ſecretly.

But my Lords, theſe of *Cambridge* and *Bridgewater*, they were of the conſpiracy with the Villains, as appears in the Parliament Roll of the Firſt year of *Richard* the 2*d.* Number 311. and 32. where the Towns of *Cambridge* and *Bridgwater*, are expreſly excepted out of the general Pardon made to the Villains; this being done in reference to that deſign of the Villains, of altering the Laws; this was that which made it Treaſon.

If the deſign went no further, than the enforcing Obedience to theſe Paper-Orders made by himſelf, it was ſufficient it was to ſubvert one fundamental part of the Law; nay, in effect the whole Law; what uſe of Law, if he might order and determine of Mens Eſtates at his own pleaſure? This was againſt the Law notoriouſly declared in *Ireland.*

In the cloſe Roll in the *Tower*, in the 25*th* year of *Edward* the 1. a Writ went to the Juſtices in *Ireland* (that Kingdom at that time was governed by Juſtices) declaring, That upon Petitions they were not to determine any Titles between party and party, upon any pretence of profit whatſoever to the King.

In the Eight and twentieth year of *Hen.* the 6*th. Chap.* 2. Suits in Equity not before the Deputy, but in *Chancery*; Suits at Common-Law, not before him, but in caſes of Life in the *Kings-Bench*; for Title of Lands or Goods in the proper Courts of the *Kings-Bench*, or *Common-Pleas.*

This declared in the Inſtructions for *Ireland*, in the latter end of King *James* His time, and by the Proclamation in His Majeſties time; my Lord took notice of them, called the Commiſſioners narrow-hearted Commiſſioners.

The Law ſaid, He ſhould not thus proceed in the ſubverſion of it, he ſaith he will, and will enforce Obedience by the Army, this is as much, in reſpect of the end, as to endeavour the overthrow of the Statutes of Labourers, of Victuals, or of *Merton* for Incloſures; here is a Warrant againſt the King, in reſpect of the end.

Secondly, In reſpect of the Actions, whether there be either a Levying of War, or an open Deed, or both.

My Lords, There was an Army in *Ireland* at that time, of Two thouſand Horſe and Foot, by this Warrant there is a full deſignation of this whole Army, and an Aſſignment of it over to *Savil* for this purpoſe.

The Warrant gives him power from time to time, to take as many Soldiers, Horſe and Foot, with an Officer throughout the whole Army, as himſelf ſhall pleaſe; here is the terror and awe of the whole Army to enforce Obedience.

My

1641.

My Lords, If the Earl had Armed two thouſand men Horſe and Foot, and formed them into Companies to this end, your Lordſhips would have conceived, that this had been a War. It's as much as in the Caſe of Sir *Thomas Talbot*, who armed them in Aſſemblies.

This is the ſame with a breach of Truſt added to it.

That Army which was firſt raiſed, and afterwards committed to his Truſt, for the Defence of the People, is now deſtined by him to their deſtruction. This aſſignation of the Army by his Warrant, under his Hand and Seal, is an open Act.

My Lords, Here's not only an open Act done, but a Levying of War, Soldiers, both Horſe and Foot, with an Officer in Warlike manner aſſeſſed upon the Subject, which killed their Cattel, conſumed and waſted their Goods.

Your Lordſhips obſerve a great difference, where ſix men go upon a deſign alone, and when ſent from an Army of ſix hundred, all engaged in the ſame ſervice, ſo many were ſent as were ſufficient to execute the Command, if upon a poor man fewer, more upon a rich; if the ſix had not been able, the whole Army muſt make it good. The reaſon that the Sheriff directed alone, or but with one Bayliff to do execution, is, becauſe he hath the Command of the Law, the King's Writ, and the *Poſſe Comitatus* in caſe of reſiſtance. Here's the Warrant of a General of an Army; Here's the *Poſſe Exercitus*, the Power of the Army, under the awe of the whole Army, ſix may force more then ſixty without it; and although never above ſix in one place, yet in ſeveral parts of the Kingdom at the ſame time, might be above ſixty; for ſeſſing of Soldiers was frequent, it was the ordinary courſe for execution of his Orders.

The Lord-Lieutenant of a County in *England*, hath a deſign to alter the Laws and Government; nay, admit the deſign goes not ſo high, he only declares thus much, he will order the Freeholders and Eſtates of the Inhabitants of the County, at his own will and Pleaſure, and doth accordingly proceed upon Paper-Petitions, foreſeeing there will be diſobedience, he grants out Warrants under his Hand and Seal, to the Deputy-Lieutenants and Captains of the Trained-bands, that upon refuſal, they will take ſuch number of the Trained-bands through the County, with Officers, as they ſhall think good, and lay them upon the Lands and Houſes of the refuſers, Soldiers in a Warlike manner are frequently ſeſſed upon them accordingly; your Lordſhips do conceive, that this is a Levying of War within the Statute.

The Caſe in queſtion goes further in theſe two Reſpects.

That it is more againſt the declared Law in *Ireland*, not only againſt the Common-Law, but likewiſe againſt the Statute of 28 *Hen. 6th.* againſt the Acts of the Commiſſioners; againſt Proclamations in perſuance of the Law; againſt that himſelf took notice of narrow-hearted Commiſſioners.

In this, that here was an Army, the Soldiers by profeſſion, Acts of Hoſtility from them of greater terror, than from Freeholders of the ſame County.

My Lords, I have now done with the Firſt of Levying of War.

The Second is the Machination, the adviſing of a War.

The Caſe in this, reſts upon a Warrant to *Savile*, and the advice in the 23 *Article.*

The Warrant ſhews a reſolution of imploying the old Army of *Ireland*, to the oppreſſion of his Majeſties Subjects, and the Laws.

In the 23*d Article*, having told his Majeſty, that he was looſed and abſolved from Rules of Government, and might do every thing which Power might admit, he proceeded further in Speech to his Majeſty in theſe words; *You have an Army in* Ireland, *you may employ to reduce this Kingdom.*

My Lords, Both being put together, there's a Machination, a practiſe and advice to Levy War, and by force to oppreſs and deſtroy his Majeſties Subjects.

It hath been ſaid, the Statute of the 25 *Edw.* 3. is a penal Law, and cannot be taken by equity and conſtruction, there muſt be an actual War; the Statute makes it Treaſon to counterfeit the King's Coin, the conſpiring, the raiſing of Furnaces is no Treaſon, unleſs he doth *Nummum percutere*, actually Coin.

My Lords, This is only ſaid, not proved, the Law is otherwiſe, the 19*th Hen.* 6. *fol.* 49. there adjudged, That the conſpiring and aiding to counterfeit Coin was Treaſon, and Juſtice *Stamford* (*fol.* 331. & 44.) is of opinion, that this, or the conſpiring to counterfeit the Great Seal, is Treaſon. The Statute is, If any ſhall counterfeit the Great Seal, conſpiring to do it by the Book, is Treaſon; if a man take the Broad Seal from one Patent, and put it to another, here is no counterfeiting, it's *tantamonnt*, and therefore Treaſon, as is adjudged in 2 *Hen.* 4. *fol.* 25. and by the opinion of *Stamford*, If Machination or Plotting a War be not within that clanſe of the Statute of Levying of War, yet is within the firſt, of compaſſing the death of the King, as that which neceſſarily tends to the deſtruction both of King and People, upon whoſe ſafety and protection he is to engage himſelf. That this is Treaſon, hath been adjudged, both after the Statutes of 1 *Hen.* 4. *Cap.* 10. and 1 Queen *Mary*; ſo much inſiſted upon on the other ſide. In the Third year of King *Henry* 4*th*, one *Balſhal* coming from *London*, found one *Bernard* at Plough, in the Pariſh of *Oſley*, in the County of *Hertford*. *Bernard* asked *Balſhal* what news? he told him, that the news was, That *Richard* the Second was alive in *Scotland* (which was falſe, for he was dead,) and that by Midſummer next, he would come into *England*; *Bernard* asked him, What were beſt to be done? *Balſhal* anſwered, Get Men, and go to King *Richard*. In *Michaelmas* Term, in the Third year of *Hen.* 4*th*, in the *Kings-Bench Rot.* 4. This advice of War adjudged Treaſon.

In Queen *Mary*'s time, Sir *Nicholas Throckmorton* conſpired with Sir *Thomas Wyat*, to Levy War within this Realm for alteration in Religion, he joyned not with him in the execution. This conſpiracy alone declared to be Treaſon by all the Judges; this was after the Statute of Queen *Mary*, ſo much inſiſted upon.

That Parliament ended in *October*, this opinion was delivered the *Eaſter* Term following, and is reported by Juſtice *Dyer*, *fol*, 98. It's true, Sir *Thomas Wyat* afterwards did Levy War; Sir *Nicholas Throckmorton* he only conſpired. This adjudged Treaſon.

One *Story* in Queen *Elizabeths* time practiſed with Foreigners, to Levy War within this Kingdom, nothing done in purſuance of the practice. The intent without any adhering to enemies of the Queen, or other cauſe, adjudged Treaſon, and he executed thereupon.

It's true my Lords, that year 13 *Eliz.* by Act of Parliament it's made Treaſon, to intend the levying of War; this Caſe was adjudged before the Parliament: The Caſe was adjudged in *Hillary* Term; the Parliament begun not till the *April* following. This my Lords, is a Caſe judged in point, that the practiſing to Levy War, though nothing be done in execution of it, is Treaſon.

Object. It may be objected, That in theſe Caſes, the Conſpiring being againſt the whole Kingdom, included the Queen, and was a Compaſſing Her deſtruction; as well as of the Kingdoms, here the advice was to the King. *Object.*

Anſw. The Anſwer is firſt, That the Warrant was unknown to His Majeſty, that was a Machination of War againſt the People and Laws, wherein His Majeſties Perſon was engaged for protection. *Anſw.*

Secondly, That the advice was to his Majeſty, aggravates the Offence, it was an Attempt which was the Offence; it was an Attempt not only upon the Kingdom, but upon the Sacred Perſon and His Office too; himſelf was *hoſtis patriæ*, he would have made the Father of it ſo to: Nothing more unnatural nor more dangerous, than to offer the King Poyſon to drink; telling him that it is a Cordial is a paſſing of his death: the Poyſon was repelled, there was an Antidote within; the Malice of the giver beyond expreſſion. The perſwading of Foreigners to invade the Kingdom, hold no proportion with this Machination of War; againſt the Law or Kingdom, is againſt the King, they cannot be ſevered.

My Lords, If no actual War within the Statute, if the Connſelling of War, if neither of theſe ſingle Acts be Treaſon within the Statute, The Commons, in the next place, have taken it into conſideration, what the addition of his other Words, Counſels, and Actions do operate in the Caſe, and have conceived, that with this Addition, all being put together, that he is brought within the Statute of 25 *E.* 3.

The words of the Statute are, *If any Man ſhall Compaſs, or Imagine the death of the King*; the words are not, *If any Man ſhall Plot, or Counſel the Death of the King*; No; my Lords, they go further than to ſuch things as are intended immediately, directly, and determinatively againſt the Life and Perſon of the King, they are of a larger extent; to compaſs, is to do by Circuit, to Conſult or Practiſe another thing directly, which being done, may neceſſarily produce this effect.

However it be in the other Treaſons within this Statute, yet in this, by the very words, there is room left for conſtructions, for neceſſary inferences and conſequences.

What hath been the Judgment and Practice of former times, concerning theſe words, of compaſſing the Kings Death, will appear to your Lordſhips, by ſome Caſes of Attainders upon theſe words.

Owen's Caſe of *Sandwich* in *Kent.*

One *Owen*, in King *James* His time, in the 13*th* year of His Reign, at *Sandwich* in *Kent*, ſpake theſe words, That King *James* being Excommunicated by the Pope, may be killed by any Man, which killing is no Murther: Being asked by thoſe he ſpake to, how he durſt maintain ſo Bloody an Aſſertion? Anſwered, That the matter was not ſo heinous as was ſuppoſed; for, the King who is the Leſſer, is concluded by the Pope, who is the Greater; and, as a Malefactor, being Condemned before a Temporal Judge, may be delivered over to be Executed; So the King, ſtanding Convicted by the Popes Sentence of Excommunication, may juſtly be ſlaughtered without fault; for, the Killing of the King, is the Execution of the Popes Supream Sentence, as the other is the Execution of the Law. For this, Judgment of High Treaſon was given againſt him, and Execution done.

My Lords, there is no clear intent appearing, that *Owen* deſired the thing ſhould be done, only Arguments that it might be done, this is a Compaſſing, there is a clear Endeavour to corrupt the Judgment, to take off the Bonds of Conſcience, the greateſt ſecurity of the Kings Life; God forbid, ſaith one of better Judgment then he, that I ſhould ſtretch out my hand againſt the Lords Anointed: No, ſaith he, the Lord doth not forbid it, you may, for theſe Reaſons, lawfully kill the King.

He that denies the Title to the Crown, and plots the means of ſetting it upon anothers head, may do this without any direct, or immediate deſiring the death of Him that wears it; yet this is Treaſon, as was adjudged in the 10 of *Hen.* 7, in theſe of *Burton*, and in the Duke of *Norfolk*'s Caſe, 13 *Eliz.*

This is a compaſſing of His Death; for there can no more be two Kings in one Kingdom, then two Suns in the Firmament: he that conceives a Title, counts it worth venturing for, though it coſt him his life: he that is in poſſeſſion thinks it as well worth the keeping. *John Sparhauk*, in King *Henry* the Fourth's time, meeting two men upon the way, amongſt other talk, ſaid, That the King was no rightful King, but the Earl of *March*; and that the Pope would grant Indulgencies to all, that could aſſiſt the Earl's Title, and that within half a year there would be no Liveries nor Cognizances of the King; that the King had not kept promiſe with the People, but had laid Taxes upon them.

In *Eaſter-Term*, in the third year of *Henry* the Fourth, in the Kings Bench, *Rot.* 12. this adjudged Treaſon, this denying the Title with Motives, though not implyedly of Action againſt it, adjudged Treaſon; this is a compaſſing the Kings death.

How this was a compaſſing of the Kings Death, is declared in the Reaſons of the Judgment; that the words were ſpoken with an intent, to withdraw the affections of the people from the King, and to excite them againſt him, that in the end they might riſe up againſt him *in mortem & deſtructionem* of the King.

My Lords, in this Judgment, and others, which I ſhall cite to your Lordſhips, it appears, that it is a compaſſing the Kings death by Words, to endeavour to draw the Peoples hearts from the King, to ſet diſcord between the King and them, whereby the People ſhould leave the King, ſhould riſe up againſt him, to the death and deſtruction of the King.

The Caſes that I ſhall cite, prove not only that it is Treaſon, but what is ſufficient Evidence to make this good.

Upon a Commiſſion held the 18*th* year of *Ed.* 4. in *Kent*, before the Marqueſs of *Dorſet*, and others, an Indictment was preferred againſt *John Awater*, of High-Treaſon, in the Form before-mentioned, for Words, which are entred in the Indictment *Sub hac forma:* That he had been ſervant to the Earl of *Warwick*; that though he were dead, the Earl of *Oxford* was alive, and ſhould have the Government of part of that Country; That *Edward*, whom you call King of *England*, was a falſe Man, and had by Art and Subtilty, ſlain the Earl of *Warwick*, and the Duke of *Clare* his Brother, without any cauſe, who before had been both of them attainted of High-Treaſon.

My Lords, This Indictment was Returned into the Kings-Bench in *Trinity Term*, in the Eighteenth year of *Edward* the Fourth; and, in *Eaſter-Term*, the Two and twentieth of *Edward* the Fourth, he was outlawed, by the ſtay of the outlawry, ſo long as it ſeems the Judges had well adviſed before, whether it were Treaſon or not.

At the ſame Seſſion *Thomas Heber* was Indicted of Treaſon for theſe words, That the laſt Parliament was the moſt ſimple and inſufficient Parliament that ever had been in *England*; That the King was gone to live in *Kent*, becauſe that for the preſent he had not the love of the Citizens of *London*, nor ſhould he have it for the future: That if the Biſhop of *Bath* and *Wells* were dead, the Archbiſhop of *Canterbury* being Cardinal of *England*, would immediately loſe his head.

This Indictment was returned into the Kings-Bench in *Trinity-Term*, in the 18*th* year of *Edward* the 4*th*: afterwards there came a Privy-Seal to the Judge to reſpit the Proceedings, which (as it ſhould ſeem) was to the intent the Judges might adviſe of the Caſe, for afterwards he is outlawed of High-Treaſon upon this Indictment.

Theſe words are thought ſufficient evidence, to prove theſe ſeveral Indictments, that they were ſpoken to withdraw the Peoples Affections from the King, to excite them againſt him, to cauſe Riſings againſt him by the People, *in mortem & deſtructionem* of the King.

Your Lordſhips are pleaſed to conſider; That in all theſe Caſes, the Treaſon was for words only, words by private Perſons, and in a more private manner, but once ſpoken, and no more, only amongſt the People, to excite them againſt the King.

My Lords, here are Words, Counſels, more then Words and Actions too, not only to diſaffect the people to the King, but the King likewiſe towards the People; not once, but often; not in private, but in places moſt Publick; not by a private perſon, but by a Counſellor of State, a Lord-Lieutenant, a Lord-Preſident, a Lord-Deputy of *Ireland*.

1. To His Majeſty, that the Parliament had denyed to ſupply Him: a Slander upon all the Commons of *England*, in their Affections to the King and Kingdom, in refuſing to yield timely ſupply for the neceſſities of the King and Kingdom.

2. From thence, that the King was looſe, and abſolved from Rules of Government, and was to do every thing, that Power would admit. My Lords, more cannot be ſaid, they cannot be aggravated; whatever I ſhould ſay would be in Diminution.

3. Thence you have an Army in *Ireland*, you may employ to reduce this Kingdom.

To Counſel a King, not to Love His People, is very Unnatural, it goes higher to hate them, to Malice them in his heart, the higheſt expreſſions of Malice, to deſtroy them by War. Theſe Coals they were caſt upon his Majeſty, they were blown, they could not kindle in that Breaſt.

Thence, my Lords, having done the utmoſt to the King, he goes to the people. At *York*, the Country being met together for Juſtice, at the Open Aſſiſes upon the Bench, he tells them, ſpeaking of the Juſtices of the Peace, that they were all for Law, nothing but Law, but they ſhould find, that the Kings Little Finger, ſhould be heavier then the Loyns of the Law, as they ſhall find. My Lords, Who ſpeaks this to the People, a Privy-Counſellor? this muſt be either to traduce His Majeſty to the People, as ſpoken from him, or from himſelf, who was Lord-Lieutenant of the County, and Preſident, intruſted with the Forces and Juſtice of thoſe parts, that he would Employ both this way. Add, my Lords, to his Words there, the Exerciſing of an Arbitrary and Vaſt Juriſdiction, before he had ſo much as Inſtructions, or Colour of Warrant.

Thence we carry him into *Ireland*; there he Repreſented, by his place, the Sacred Perſon of his Majeſty.

Firſt. There at *Dublin*, the Principal City of that Kingdom, whither the Subjects of that Country came for Juſtice in an Aſſembly of Peers, and others of greateſt Rank, upon occaſion of a Speech of the Recorder of that City, touching their Franchiſes and Regal Rights; he tells them, That *Ireland* was a Conquered Nation, and that the King might do with them what he pleaſed.

Secondly, Not long after, in the Parliament 10 *Car.* in the Chair of State, in full Parliament again, That they were a Conquer'd Nation; and that they were to expect Laws as from a Conqueror, before the King might do with them what he would, now they were to expect it that he would put this Power of a Conqueror in Execution: —— The Circumſtances are very Conſiderable; in full Parliament; from himſelf in *Cathedra*, to the Repreſentative Body of the whole Kingdom.

The Occaſion adds much, when they deſir'd the Benefit of the Laws, and that their Cauſes and Suits might be determined according to Law, and not by himſelf, at his Will and Pleaſure, upon Paper-Petitions.

Thirdly, Upon like occaſion, of Preſſing the Laws and Statutes, that he would make an Act of Council-Board in that Kingdom, as Binding as an Act of Parliament.

Fourthly, He made his Words good by his Actions, Aſſumed and Exerciſed a Boundleſs and Lawleſs Juriſdiction, over the Lives, Perſons and Eſtates of His Majeſties Subjects, procured Judgment of Death againſt a Peer of that Realm; Commanded another to be Hanged, this was accordingly Executed, both in times of High Peace, without any Proceſs or Colour of Law.

Fifthly, By Force, of a long time, he Seized the Yarn and Flax of the Subjects, to the Starving and undoing of many thouſands; beſides the Tobacco buſineſs, and many Monopolies and Unlawful Taxes; forced a New Oath, not to diſpute His Majeſties Royal Commands; determined Mens Eſtates at his own Will and Pleaſure, upon Paper-Petitions to himſelf; forced Obedience to theſe, not only by Fines and Impriſonment, but likewiſe by the Army; ſeſſed Soldiers upon the Refuſers in an Hoſtile manner.

Sixthly, Was an Incendiary of the War between the two Kingdoms of *England* and *Scotland*.

My Lords, We ſhall leave it to your Lordſhips Judgments, whether theſe words, Counſels, and Actions, would not have been a ſufficient Evidence, to have Proved an Indictment drawn up againſt him, as thoſe before mentioned, and many others are? That they were ſpoken and done to the Intent, to draw the King's heart from the People, and the Affections of the People from the King; that they might leave the King, and afterwards riſe up againſt him, to the deſtruction of the King; if ſo, here is a Compaſſing of the King's Death, within the Words of the Statute of 25*th* year of *Edward* the Third, and that Warranted by many former Judgments.

My Lords, I have now done with the Three Treaſons within the Statute of the Twenty fifth of *Edward* the 3*d.* I proceed unto the 4*th* upon the Statute of the Eighteenth year of *Henry* the 6*th*, Chapter the third, in *Ireland*, and I ſhall make bold to read the words to your Lordſhips.

That no Lord, nor any other, of what condition ſoever he be, ſhall bring, or lead Hoblers, Kernes, or Hooded Men, nor any other People, nor Horſes, to lye on Horſeback, or on Foot, upon the King's Subjects, without their good wills and conſent,

conſent, but upon their own Coſt and without hurt doing to the Commons; and if any ſo do, he ſhall be adjudged as a Traytor.

1. The Argument that hath been made concerning the Perſon, that it extends not to the King, and therefore not to him, weighs nothing with your Lordſhips, *Rex non habet in Regno parem*; from the greatneſs of his Office, to argue himſelf into the ſame inpoſſibility with His Sacred Majeſty, of being incapable of High-Treaſon, it's an Offence, no Treaſon; The words in the Statute, *No Lord, nor any other, of what condition ſoever he be,* include every Subject.

In *Trinity Term,* in the Three and thirtieth year of *Henry* the Eighth, in the King's-Bench, *Leonard* Lord *Gray,* having immediately before been Lord-Deputy of *Ireland,* is Attainted of High-Treaſon, and Judgment given againſt him, for letting diverſe Rebels out of the Caſtle of *Dublin,* and diſcharging *Iriſh* Hoſtages and Pledges, that had been given for ſecuring the Peace, for not puniſhing one that ſaid, That the King was an Heretick: I have read the whole Record, there's not one thing laid to his Charge, but was done by him as Lord Lieutenant; He had the ſame Plea with my Lord of *Strafford*; That theſe things were no adhering to the King's Enemies, but were done for Reaſons of State, that he was not within thoſe words of the Statute of the 25 of *Edw.* 3. himſelf being Lord-Lieutenant there.

Object. It hath been ſaid, That the Soldiers ſeſſed upon the Subjects by him, were not ſuch perſons as are intended by that Statute, *Hblers, Kernes,* and *Hooded Men,* thoſe Raſcally people.

Anſw. My Lords, they were the names given to the Soldiery of thoſe times, *Hoblers, Horſemen*; the other the Foot. But the words of the Statute go further, Nor any other People, neither Horſe nor Foot. His Lordhip ſeſſed upon them both Horſe and Foot.

Object. The Statute extends only to thoſe, that lead or bring; *Savil* led them; my Lord only gave the Warrant.

Anſw. To this I ſhall only ſay thus, *Plus peccat author, quam Actor,* by the rule of the Law *Agentes & conſentientes pari plectuntur pœna*; if conſent, much more a Command to do it, makes the Commander a Traytor, If there be any Treaſon within this Statute, my Lord of *Strafford* is Guilty.

It hath been therefore ſaid, That this Statute, like *Goliah*'s Sword, hath been wrapt up in a Cloath, and laid behind the door, that it hath never been put in Execution.

My Lords, if the Clerk of the Crown in *Ireland,* hath certified your Lordſhips upon ſearch of the Judgments of Attainders in *Ireland,* he could not find that any man had been attainted upon this Statute, your Lordhips had had ſome ground to believe it; Yet it's only my Lord of *Strafford*'s Affirmation; beſides, your Lordſhips know, that an Act of Parliament binds until it be repealed.

It hath been therefore ſaid; That this Statute is repealed by the Statute of the 8 *Ed.* 4. *Cap.* 1. and of the 10*th* of *Hen.* 7. *Cap.* 22. becauſe by theſe two Statutes, the *Engliſh* Statutes are brought into *Ireland.*

The Argument (if I miſtook it not) ſtood thus; That the Statute of the Firſt of *Henry* the 4*th.* the 10*th Chap.* ſaith, That in no time to come, Treaſon ſhall be adjudged otherwiſe, then it was ordained by the Statute of the 25 *E.* 3. that the reaſon mentioned in the Eighteenth year of *Henry* the Sixth, in the *Iriſh* Statute, is not contained in the 25 *Edw.* 3. and therefore contrary to the Statute of the 1 *Hen.* 4. it muſt needs be void,

If this were Law, then all the Statutes that made any new Treaſon after the Firſt of *Henry* the 4*th,* were void in the very Fabrick, and at the time when they were made; hence likewiſe it would follow, that the Parliament now, upon what occaſion ſoever, have no Power to make any thing Treaſon, not declared to be ſo in the Statute 25 *Edw.* 3. This your Lordſhips eaſily ſee, would make much for the Lord of *Strafford*'s advantage, but why the Law ſhould be ſo, your Lordſhips have only as yet heard an Affirmation of it; no reaſon.

But,

1641.

But, ſome touch was given, that the Statute of the Tenth year of *Henry* the Seventh, in words, makes all the *Iriſh* Statutes void, which are contrary to the *Engliſh*. The Anſwer to this is a denial that there are any ſuch words in the Statute. The Statute declares, that the *Engliſh* Statutes ſhall be effectual, and confirmed in *Ireland*, and that all the Statutes made before-time to the contrary, ſhall be revoked.

This repeals only the *Iriſh* Statutes of the Tenth year of *Henry* the Fourth, and the Nine and twentieth year of *Henry* the Sixth, which ſay, that the *Engliſh* Statutes ſhall not be in force in *Ireland* unleſs particularly received in Parliament, it makes all the *Iriſh* Statutes void, which ſay, that the *Engliſh* Statutes ſhall not be in force there.

It is uſual when a Statute ſayes, that ſuch a thing ſhall be done, or not done, to add further, that all Statutes to the contrary ſhall be void.

No likelihood that this Statute intended to take away any Statute of Treaſon, but when in the Chapter next before this, Murder there is made Treaſon, as if done upon the Kings perſon.

That this Statute of the Eighteenth year of *Henry* the Sixth remains on foot, and not repealed either by the Statute of the Eighth year of *Edward* the Fourth, or this of the Tenth year of *Henry* the Seventh, appears expreſly by two ſeveral Acts of Parliament, made at the ſame Parliament of the tenth year of *Henry* the Seventh.

By an Act of Parliament of *Henry* the Sixth's time in *Ireland*, it was made Treaſon for any Man whatſoever, to procure a Privy-Seal, or any other Command whatſoever for apprehending any Perſon in *Ireland* for Treaſon done without that Kingdom, and to put any ſuch Command in Execution; divers had been attainted of Treaſon for executing ſuch Commands: There is a Treaſon, ſo made, by Act of Parliament, in *Henry* the Sixth's time. In the third Chapter of this Parliament of the tenth of *Henry* the Seventh, an Act is paſſed for no other end, then to repeal this Statute of *Henry* the Sixth of Treaſon.

If this Statute of *Henry* the Sixth of Treaſon had been formerly repealed by the Statute of 8 *E* 4. or then by the two and twentieth Chapter of this Parliament of the 10th of *Henry* the Seventh, by bringing in the Engliſh Statutes, the Law-makers were much miſtaken now to make a particular Act of Parliament to repeal it, it being likewiſe ſo unreaſonable an Act as it was.

In the Eighth Chapter of this Parliament of the 10th of *Henry* the Seventh, it is Enacted, that the Satutes of *Kilkenny*, and all other Statutes made in *Ireland* (two only excepted, whereof this of the Eighteenth of *Henry* the Sixth is none) for the Common-Weal, ſhall be enquired of, and executed: My Lord of *Strafford* ſaith, that the bringing in of the Engliſh Statute hath repealed this Statute; the Act of Parliament made the ſame time, ſaith no; it ſaith, that all the Iriſh Statutes, excepting two, whereof this is none, ſhall ſtill be in force.

Object. Oh, but however it was in the 10 *H*. 7. yet it appears by Judgment in Parliament afterwards, that this Statute of 18 *H*. 6. is repealed, and that is by the Parliament of the 11*th* year of Queen *Elizabeth* the 7*th* Chapter, that by this Parliament it is Enacted, That if any Man, without Licence from the Lord-Deputy, lay any Soldiers upon the Kings Subjects, if he be a Peer of the Realm, he ſhall forfeit one hundred pounds, if under the degree of a Peer, One hundred Marks.

This Statute, as is alleadged, declares the Penalty of laying Soldiers on the Subjects to be only one hundred pounds, and therefore its not Treaſon.

Anſw. My Lords, if the Offence for which this Penalty of one hundred pounds is laid upon the Offenders, be for laying Soldiers, or leading them to do any Act Offenſive or Invaſive upon the Kings People, the Argument hath ſome force; but that the Offence is not for laying Soldiers upon the true Subjects, that this is not the Offence intended in the Statute, will appear to your Lordſhips *Ex abſurdo*, from the words of it.

The Words are,

That if any Man ſhall aſſemble the People of the County together, to conclude of Peace or War, or ſhall carry thoſe People to do any Acts Offenſive or Invaſive, then he ſhall forfeit One hundred pounds.

If concluding of War, and carrying the people to Acts Invaſive, be againſt the Kings Subjects, this is High-Treaſon, which are the words of the Statute of 25 *E.* 3. for if any Subject ſhall aſſemble the people, and conclude a War, and accordingly ſhall lead them to invade the Subject, this is a levying of War within the words of the Statute; and then the Statutes of the 25 *E.* 3. 1 *H.* 4. 1 of Queen *Mary*, which the Earl of *Strafford*, in his Anſwers, deſires to be tryed by, are as well repealed, in this point, as the Statute of the 18*th* of *Henry* the Sixth, he might then, without fear of Treaſon, have done what he pleaſed with the *Iriſh* Army; for all the Statutes of levying of War by this Statute of 11 *Eliz.* were taken out of his way.

In *Ireland* a Subject gathers Forces, concludes a War againſt the Kings People, actually invades them, bloodſhed, burning of houſes, depredations enſue; two of thoſe, that is, Murder, and burning of Houſes, are Treaſon; and there the other Felony by the conſtruction the puniſhment of Treaſon, and Felony is turned only into a fine of One hundred pounds; from loſs of Life, Lands, and all his Goods, only to loſs of part of his Goods.

The Third Abſurdity, a War is concluded, three ſeveral Inrodes are made upon the Subjects; in the firſt a hundred pounds damage; in the ſecond, five thouſand pounds damage; in the third, ten thouſand pounds damage, is done to the Subjects; the penalty for the laſt inroade is no more then for the firſt, only one hundred pounds. This Statute, by this Conſtruction, tells any man, how to get his living without long labour.

Two parts of the hundred pounds is given to the King, a third part unto the Informer; Here's no damage to the Subject, that is robbed and deſtroyed.

My Lords, The Statute will free it ſelf and the makers from thoſe Abſurdities.

The meaning of the Statute is, That if any Captain ſhall, of his own head, conclude of Peace or War againſt the Kings Enemies, or Rebels, or ſhall, upon his own head, invade them without Warrant from the King, or Lord Deputy of *Ireland*, that then he ſhall forfeit a Hundred pounds.

The offence is not for laying of Soldiers upon the Kings people, but making War againſt the Iriſh Rebells without Warrant; the Offence is not in the Matter, but in the Manner, for doing a thing lawful, but without Miſſion.

I. *This will appear by the general Scope of the Statute, all the parts being put together.*

II. *By particular Clauſes in the Statute.*

III. *By the Condition of that Kingdom, at the time of the making of that Statute.*

For the *Firſt*, The Preamble recites, that in time of Declination of Juſtice, under pretext of defending the Country and themſelves, diverſe great Men arrogated to themſelves Regal Authority, under the names of Captains; that they acquired to themſelves that Government, which belonged to the Crown; for preventing of this, It's Enacted, That no man dwelling within the Shire-Grounds, ſhall thenceforth aſſume, or take to himſelf the Authority or name of a Captain, within theſe Shire-Grounds, without Letters-Patents from the Crown, nor ſhall, under colour of his Captainſhip, make any demand of the people of any Exaction, nor as a Captain, aſſemble the people of the Shire-Grounds; nor as a Captain ſhall lead thoſe people to do any acts Offenſive or Invaſive, without Warrant under the Great-Seal of *England*, or of the Lord-

Deputy, upon penalty, that if he do any thing contrary to that Act, that then the Offender ſhall forfeit a Hundred pounds.

My Lords, the Rebels had been out; the Courts of Juſtice ſcarce ſate; for defence of the Country divers uſurped the place of Captains, concluded of War againſt the Rebels, and invaded them without Warrant: Invading the Rebels without Authority, is a crime.

This appears further by particular clauſes in the Statute, none ſhall exerciſe any Captainſhip within the Shire-grounds, nor aſſemble the men of the Shire-grounds, to conclude War, or lead them to any Invaſion.

That that had anciently been ſo continued to this time, that is the Iriſh, and the Engliſh Pale; they within the Shire-grounds were within the Engiſh Pale; and *ad fidem & legem Angliæ.* The Iriſh without the Pale were enemies always, either in open act of Hoſtility, or upon Leagues and Hoſtages given for ſecuring the Peace, and therefore as here in *England* we had our Marches upon the frontiers in *Scotland* and *Wales,* ſo were there Marches between the Iriſh and Engliſh Pale, where the Inhabitants held their Lands by this tenure, to defend the Country againſt the Iriſh, as appears in the cloſe Roll of the *Tower*, in the 20*th* year of *Edw.* 3. *membrana* 15. on the backſide, and in an Iriſh Parliament, held the 42 year of *Edw.* 3. it's declared, That the Engliſh Pale was almoſt deſtroyed by the Iriſh enemies, and that there was no way to prevent the danger, but only, that the Owners reſide upon their Lands for defence, and that abſence ſhould be a forfeiture. This Act of Parliament in a great Council here was affirmed, as appears in the cloſe Roll, the 22 year of *Edw.* 3. *Membrana* 20 *dorſo.*

Afterwards, as appears in the Statute of 28 *Hen. 6th,* in *Ireland*; this Hoſtility continued between the Engliſh Marches and the Iriſh Enemies, who by reaſon there was no difference between the Engliſh Marches and them in their Apparel, did daily (not being known to the Engliſh) deſtroy the Engliſh within the Pale: Therefore it is enacted, that every Engliſh-man ſhall have the hair of his upper Lip for diſtinction ſake. This hoſtility continued until the 10*th* year of *Henry* the 7*th*, as appears by the Statute of 10 *H.* 7*th.* and 17*th.* ſo ſucceſſively downwards, till the making of this very Statute of 11 *Eliz.* as appears fully in the 9*th* Chap.

Nay, immediately before, and at the time of the making of this Statute, there was not only enmity between thoſe of the Shire-ground, that is, the *Engliſh* and *Iriſh* Pale, but open War, and acts of Hoſtility, as appears by Hiſtory of no leſs Authority, than that Statute it ſelf; for in the firſt Chapter of that Statute, is the Attainder of *Shane Oneale*, who had made open War, was ſlain in open War; it's there declared, That he had gotten by force, all the North of *Ireland*, for an hundred and twenty miles in length, and about a hundred in breadth; that he had maſtered divers places within the *Engliſh* Pale; when the flame of this War by his death, immediately before this Statute was ſpent, yet the Firebrands were not all quenched, for the Rebellion continued by *John Fitz-Gerard*, called the *White Knight*, and *Thomas Gueverford*, this appears by the Statute of the Thirteenth year of Queen *Eliz.* in *Ireland*, but two years after this of the Eleventh year of Queen *Eliz.* where they are attainted of High-Treaſon, for Levying of War this Eleventh year, wherein this Statute was made.

So that my Lords, immediately before, and at the time of the making of this Statute, there being War between thoſe of the Shire-Grounds, mentioned in this Statute, and the *Iriſh*, the concluding of War, and Acts Offenſive and Invaſive there mentioned, can be intended againſt no others, but the *Iriſh* Enemies.

Again, The words of the Statute are, *No Captain ſhall aſſemble the people of the Shire-grounds*, to conclude of Peace or War; Is to preſume, that thoſe of the Shire-grounds will conclude of War againſt themſelves. Nor (with the Statute) *Shall carry thoſe of the Shire-grounds to do any Acts Invaſive*; by the conſtruction which is made on the other ſide, they muſt be carried to fight againſt themſelves.

Laſtly, The words are, That as a Captain, none ſhall aſſume the Name, or Authority of a Captain; or as a Captain ſhall gather the people together; or as a Captain lead them; the offence is not in the matter, but in the manner; If the Acts offenſive were againſt the Kings good Subjects, thoſe that were under

Command, were puniſhable, as well as the Commanders; but in reſpect the Soldiers knew the ſervice to be good in it ſelf, being againſt the enemies, and that it was not for them to diſpute the Authority of their Commanders, the penalty of 100 *l.* is laid only upon him, That as Captain, ſhall aſſume this Power without Warrant, the People commanded, are not within this Statute.

My Lords, The Logick whereupon this Argument is framed, ſtands thus, becauſe the Statute of the Eleventh year of Queen *Elizabeth*, inflicts a penalty of 100 *l.* and no more, upon any man, that as a Captain without Warrant, and upon his own head ſhall conclude of, or make War againſt the King's Enemies: Therefore the Statute of the 18*th* year of *Henry* the 6*th* is repealed which makes it Treaſon to lay Soldiers upon, or to levy War againſt the Kings good People.

But, My Lords, Obſervation hath been made upon other words of this Statute, that is, that without Licence of the Deputy, theſe things cannot be done; this ſhews that the Deputy, is within none of the Statutes.

My Lords, This Argument ſtands upon the ſame reaſon with the former, becauſe he hath the ordering of the Army of *Ireland*, for the defence of the people, and may give Warrant to the Officers of the Army, upon eminent occaſions of Invaſion, to reſiſt or proſecute the Enemy, becauſe of the danger, that elſe might enſue forthwith, by ſtaying for a Warrant from His Majeſty out of *England*.

My Lords, The Statute of the 10*th* year of *Henry* the 7*th Chap*. 17. touched upon for this purpoſe, clears the buſineſs in both points; for there is declared, That none ought to make War upon the *Iriſh* Rebels, and Enemies, without Warrant from the Lieutenant, the forfeiture 100 *l.* as here the Statute is the ſame with this, and might as well have been cited, for repealing the Statute of the 18*th* year of *Henry* the 6*th*, as this of the 11*th* year of Queen *Elizabeth*. But if this had been inſiſted upon, it would have expounded the other two clear againſt him.

Object. My Lords, It hath been further ſaid, although the Statute be in force and there be a Treaſon within it, yet the Parliament hath no Juriſdiction, the Treaſons are commited in *Ireland*, therefore not tryable here.

Anſw. My Lords, Sir *John Parrot*, his Predeceſſor, 24 *Ed.* was tryed in the *Kings-Bench* for Treaſon done in *Ireland*, when he was Deputy; and *Oruche* in the 33 year of Queen *Elizabeth*, adjudged here for Treaſon done in *Ireland*.

Object. But it will be ſaid, theſe Tryals were after the Statute of the 34*th* year of *Henry* the 8*th*, which Enacts, that Treaſons beyond Sea may be tryed in *England*.

Anſw. My Lords, his Predeceſſor my Lord *Gray* was tryed, and adjudged here in the *Kings-Bench*; that was in *Trinity-Term*, in the 33 year of *Henry* the 8*th*, this was before the making of that Statute.

Object. To this again will we ſay, That it was for Treaſon by the Laws and Statutes of *England*; that this is not for any thing that's Treaſon by the Law of *England*, but an *Iriſh* Statute.

So that the queſtion is only, Whether your Lordſhips here in Parliament, have cognizance of an offence, made Treaſon by an *Iriſh* Statute, in the ordinary way of Judicature, without Bill? for ſo is the preſent queſtion.

For the clearing of this, I ſhall propound two things to your Lordſhips conſideration.

Whether the Rule for expounding the *Iriſh* Statute and Cuſtoms, be one and the ſame in *England* as in *Ireland*?

That being admitted, whether the Parliament in *England* have cognizance or juriſdiction of things there done, in reſpect of the place, becauſe the Kings Writ runs not there?

For the firſt, in reſpect of the place, the Parliament here hath cognizance there. And Secondly, If the Rules for expounding the *Iriſh* Statutes and Cuſtoms, be the ſame here as there, this exception (as I humbly conceive) muſt fall away.

In *England* there is the Common Law, the Statutes, the Acts of Parliament, and Cuſtoms peculiar to certain places, differing from the Common-Law; If any queſtion ariſe concerning either a Cuſtom or an Act of Parliament, the Common-Law of *England*, the Firſt, the Primitive and the General Law, that's the Rule and Expoſitor of them, and of their ſeveral extents; it is ſo here, it is ſo in *Ireland*, the Common-Law of *England*, is the Common-Law of *Ireland* likewiſe; the ſame here and there in all the parts of it.

It was introduced into *Ireland* by King *John*, and afterwards by King *Henry* 3. by Act of Parliament held in *England*, as appears by the Patent Rolls of the 30 year of King *Henry* 3. the firſt *Membrana*, the Words are, *Quia pro Communi Utilitate terræ Hiberniæ & unitate terrarum Regis, Rex vult, & de Communi Concilio Regis Proviſum eſt, quod omnes Leges & Conſuetudines quæ in Regno Angliæ tenentur, in Hibernia teneantur, & eadem terra eiſdem legibus ſubjaceat, & per eaſdem Regatur, ſicut Dominus Johannes Rex cum ultimò eſſet in Hibernia ſtatuit & fieri mandavit, quia,* &c. *Rex vult quòd omnia brevia de Communi Jure quæ currunt in Anglia, ſimiliter currant in Hibernia, ſub novo ſigillo Regis mundatum eſt Archiepiſcopis,* &c. *quod pro pace & tranquilitate ejuſdem terræ, per eaſdem leges eos regi & deduci permittant, & eas in omnibus ſequantur in cujus,* &c. *Teſte Rege apud* Woodſtock, *Decimo nono die Septembris.*

Here is an union of both Kingdoms, and that by Act of Parliament, and the ſame Laws to be uſed here as there, *in omnibus*.

My Lords, That nothing might be left here for an exception, that is, That in Treaſons, Felonies, and other capital offences concerning Life, the *Iriſh* Laws are not the ſame as here, therefore it is enacted by a Parliament held in *England*, in the 14*th* year of *Edw.* 2. (it is not in print neither, but in the Parliament Book) that the Laws concerning Life and Member ſhall be the ſame in *Ireland*, as in *England*.

And that no exception might yet remain, in a Parliament held in *England*, The 5*th* year of *Edw.* 3. it is Enacted. *Quod una & eadem Lex fiat tam Hibernicis quam Anglicis.*

This Act is enrolled in the *Patent Rolls* of the 5*th* year of *Edw.* 3. Parl. *membr.* 25.

The *Iriſh* therefore receiving their Laws from hence, they ſend their Students at Law to the Inns of Courts in *England*, where they receive their Degree; and of them, and of the Common Lawyers of this Kingdom, are the Judges made.

The Petitions have been many from *Ireland*, to ſend from hence ſome Judges, more learned in the Laws, than thoſe they had there.

It hath been frequent in caſes of difficulty there, to ſend ſometimes to the Parliament, ſometimes to the King, by advice from the Judges here, to ſend them reſolutions of their doubts. Amongſt many, I'll cite your Lordſhips only one, becauſe it is in a caſe of Treaſon upon an *Iriſh* Statute, and therefore full to this point.

By a Statute there made the fifth year of *Edw.* 4. there is a proviſion made for ſuch us upon ſuggeſtions are committed to priſon for Treaſon, that the party committed, if he can procure 24 Compurgators, ſhall be bailed and let out of priſon.

Two Citizens of *Dublin*, were by a Grand-Jury preſented to have committed Treaſon, they deſired benefit of this Statute, that they might be let out of priſon, upon tender of their Compurgators: The words of the Statute of the 5*th* year of *Edward 4th*, in *Ireland* being obſcure, the Judges there being not ſatisfied what to do, ſent the caſe over to the Queen, deſired the opinion of the Judges here, which was done accordingly. The Judges here ſent over their opinion, which I have out of the Book of Juſtice *Anderſon*, one of the Judges conſulted withal. The Judges delivered their opinion upon an *Iriſh* Statute, in Caſe of Treaſon.

If it be objected, That in this Caſe, the Judges here did not judge upon the party; their opinions were only *ad informandam Conſcientiam*, of the Judges in *Ireland*, that the Judgment belonged to the Judges there.

My Lords, (with ſubmiſſion) this and the other Authorities, prove, that for which they were cited, that is, that no abſurdity, no failure of Juſtice would enſue, if this great Judicatory ſhould judge of Treaſon, ſo made by an *Iriſh* Statute.

The Common-Law rules of Judging upon an *Iriſh* Statute; the Pleas of the Crown for things of Life and Death, are the ſame here and there, this is all that yet hath been offered.

For the Second point, That *England* hath no power of Judicature, for things done in *Ireland*.

My Lords, the conſtant practice of all ages, proves the contrary.

Writs of Error in Pleas of the Crown, as well as in Civil Cauſes, have in all Kings Reigns been brought here, even in the inferior Courts of *Weſtminſter-Hall* upon Judgment given in the Courts of *Ireland*, the practice is ſo frequent, and ſo well known, as that I ſhall cite none of them to your Lordſhips, no preſident will, I believe, be produced to your Lordſhips, that ever the Caſe was remanded back again into *Ireland*, becauſe the queſtion aroſe upon an Iriſh Statute, or Cuſtom.

Object. But it will be ſaid, that Writs of Error, are only upon failure of juſtice in *Ireland*, and that ſuits cannot originally be commenced here for things done in *Ireland*; becauſe the Kings Writ runs not in *Ireland*.

Anſw. This might be a good Plea in the *Kings-Bench*, and inferior Courts at *Weſtminſter-Hall*; the queſtion is, Whether it be ſo in Parliament? The Kings Writ runs not within the County-Palatine of *Cheſter* and *Durham*, nor within the Five Ports; neither did it in *Wales*, before the Union of *Henry* the 8*th*'s time, after the Laws of *England* were brought into *Wales*, in King *Edw.* the 1. time, Suits were not originally commenced at *Weſtminſter-Hall* for things done in them; yet this never excluded the Parliament-ſuits; for Life, Lands, and Goods within theſe juriſdictions, are determinable in Parliament, as well as in any other parts of the Realm.

Ireland, as appears by the Statute of the Thirtieth year of *Henry* 3. beforementioned, is united to the Crown of *England*.

By the Statute of the Eight and twentieth year of *Hen.* *8 8*th.* in *Ireland*, it is declared in theſe words, That *Ireland* is the proper Dominion of *England*, and united to the Crown of *England*, which Crown of *England* is of it ſelf, and by it ſelf, wholly and intirely endowed with all Power and Authority ſufficient to yield to the Subjects of the ſame full and plenary remedy, in all Debates and Suits whatſoever.

By the Statute of the Three and thirtieth twentieth year of *Henry* the 8*th*, the firſt Chapter, when the Kings of *England* firſt aſſumed the Title of King of *Ireland*, it is there Enacted, that *Ireland* ſtill is to be held as a Crown annexed and united to the Crown of *England*.

So that by the ſame reaſon, from this that the Kings Writs run not in *Ireland*, it might as well be held, that the Parliament cannot originally hold Plea of things done within the County-Palatine of *Cheſter* and *Durham*, nor within the *Five Ports* and *Wales*; *Ireland*, is a part of the Realm of *England*, as appears by thoſe Statutes, as well as any of them.

This is made good by conſtant practice in all the Parliament Rolls, from the firſt to the laſt; there are Receivers, and Tryers of Petitions appointed for *Ireland*; for the *Iriſh* to come ſo far with their Petitions for Juſtice, and the Parliament not to have cognizance, when from time to time they had in the beginning of the Parliament, appointed Receivers and Tryers of them, is a thing not to be preſumed.

An Appeal in *Ireland*, brought by *William* Lord *Veſey*, againſt *John Fitz-Thomas*, for Treaſonable words there ſpoken, before any Judgment given in Caſe there, was removed into the Parliament in *England*, and there the Defendant acquitted, as appears in the Parliament Pleas of the Two and twentieth year of *Edw.* 1.

The Suits for Lands, Offices, and Goods originally begun here are many, and if queſtion grew upon matter in Fact, a Jury uſually ordered to try it, and the Verdict returned into the Parliament; as in the Caſe of one *Ballyben* in the Parliament of the Five and thirtieth year of *Edw.* the 1. If a doubt aroſe upon a matter tryable by Record, a Writ went to the Officers, in whoſe cuſtody the Record remained, to certifie the Record, as was in the Caſe of *Robert Bagott* the ſame Parliament, of the Five and thirtieth year of *Edw.* the 1. where the Writ went to the Treaſurer, and Barons of the *Exchequer*.

*28. Hen:8: Cap:6
Irish Statut:
& forasmuch as this land of Ireland is the Kings proper dominion of England, and united, knit & belonging to the Imperial Crown of the same Realm, which crown of itself & by itself is fully, wholly, entirely & rightfully endowed, & garnished with all power, autho=rity & preeminence sufficient to yield & render to all & singular subjects of the same full & plenarie remedies in all causes of strife, debate, contention or division, without any suit, provocation or appeal, or any other proceſs to be had, made or sued to any forrein prince or potentate spiritual or temporal:

2, as united & knit to the imperial Crown of the Realm of England.
Irish Stat:
33 H. 8. Cap: 1

Sometimes they gave Judgment here in Parliament, and commanded the Judges there in *Ireland* to do execution, as in the great Caſe of *Partition*, between the Copartners of the Earl-Marſhal in the Parliament of the Three and thirtieth of *Edward* the 1. Where the Writ was awarded to the Treaſurer of *Ireland.*

My Lords, The Laws of *Ireland* were introduced by the Parliament of *England*, as appears by Three Acts of the Parliament before cited.

It is of higher Juriſdiction *Dare Leges*, then to judge by them.

The Parliaments of *England* do bind in *Ireland*, if *Ireland* be particularly mentioned, as is reſolved in the Book-Caſe of the Firſt year of *Henry* the Seventh, *Cook*'s Seventh Report, *Calvin*'s Caſe; and by the Judges in *Trinity-Term*, in the Three and thirtieth year of Queen *Elizabeth*. The Statute of the Eighth year of *Edward* the 4*th*, the firſt Chapter in *Ireland* recites, That it was doubted amongſt the Judges whether all the *Engliſh* Statutes, though not naming *Ireland*, were in force there? if named, no doubt.

From King *Henry* the 3*d*, his time downwards, to the Eighth year of Queen *Elizabeth* (by which Statute it is made Felony to carry Sheep from *Ireland* beyond Seas) in almoſt all theſe Kings Reigns, there be Statutes made concerning *Ireland*. The exerciſing of the Legiſlative Power there, over their Lives and Eſtates, is higher than of the Judicial in queſtion: until the 29*th* year of *Edward* the 3*d*, erroneous Judgments given in *Ireland*, were determinable no where but in *England*; no, not in the Parliament of *Ireland*, as it appears in the cloſe Rolls in the *Tower*, in the 29*th* year of *Edward* the 3*d*. *Memb.* 12. Power to examine and reverſe erroneous Judgments in the Parliaments of *Ireland* is granted; from hence, Writs of Error lye in the Parliament here upon erroneous Judgments, after that time given in the Parliaments of *Ireland*, as appears in the Parliament Rolls, of the Eighth year of *Henry* the 6*th*, N° 70. in the Caſe of the Prior of *Lenthan*. It is true, the Caſe is not determined there, for it's the laſt thing that came into the Parliament, and could not be determined for want of time, but no exception at all is taken to the Juriſdiction.

The Acts of Parliament made in *Ireland*, have been confirmed in the Parliaments of *England*, as appears by the cloſe Rolls, in the *Tower*, in the Two and fortieth year of *Edward* the 3*d*. *Memb.* 20. *Dorſo*: where the Parliament in *Ireland*, for the preſervation of the Countrey from *Iriſh*, who had almoſt deſtroyed it, made an Act, That all the Land-Owners, that were *Engliſh*, ſhould reſide upon their Lands, or elſe they were to be forfeited, this was here confirmed.

In the Parliament of the Fourth year of *Henry* the 5*th*. *Chap.* 6. Acts of Parliament in *Ireland* are confirmed, and ſome priviledges of the Peers in the Parliaments there are regulated.

Power to repeal *Iriſh* Statutes, Power to confirm them, cannot be by the Parliament here, if it hath not cognizance of their Parliaments; unleſs it be ſaid, that the Parliament may do, it knows not what.

Garnſey and *Jerſey* are under the Kings ſubjection, but are not parcels of the Crown of *England*, but of the Duchy of *Normandy*, they are not governed by the Laws of *England*, as *Ireland* is, and yet Parliaments in *England* have uſually held Plea of, and determined all Cauſes concerning Lands or Goods. In the Parliament, in the 33 *Edward* 1. there be *Placita de Inſula Jerſey*. And ſo in the Parliament, 14 *Edw.* 2. and ſo for *Normandy* and *Gaſcoigne*, and always as long as any part of *France* was in ſubjection to the Crown of *England*, there were at the beginning of the Parliaments, Receivers and Tryers of Petitions, for thoſe parts appointed.

I believe your Lordſhips will have no Caſe ſhewed of any Plea, to the Juriſdiction of the Parliaments of *England*, in any things done in any parts whereſoever in ſubjection to the Crown of *England*.

The laſt thing I ſhall offer to your Lordſhips is, the Caſe of 19 *Eliz.* in my Lord *Dyer*, 306. and Judge *Crompton*'s Book of the Juriſdiction of Courts *fol.* 23. The opinion of both theſe Books is, That an *Iriſh* Peer is not Tryable here, it's true, a *Scotch* or *French* Nobleman is Tryable here, as a common perſon; the Law takes no notice of their Nobility, becauſe thoſe Countreys are not governed by the Laws of *England*; but *Ireland* being governed by the ſame

Laws, the Peers there are Tryable according to the Law of *England* only, *per pares*.

By the ſame reaſon, the Earl of *Strafford* not being a Peer of *Ireland*, is not tryable by the Peers of *Ireland*; ſo that if he be not tryable here, he is tryable no where.

My Lords, In caſe there be a Treaſon and a Traytor within the Statute, and that he be not tryable here for it, in the ordinary way of Judicature, if that juriſdiction fail, this by way of Bill doth not; Attainders of Treaſon in Parliament, are as legal, as uſual by Act of Parliament, as by Judgment.

I have now done with the Statutes 25 *Edw.* 3. and 18 *Hen.* 6, My Lord of *Strafford* hath offended againſt both the Kingdoms, and is guilty of High-Treaſon by the Laws of both.

My Lords, In the fifth place, I am come to the Treaſons at the Common-Law, the endeavouring to ſubvert the Fundamental Laws and Government of the Kingdom, and to introduce an Arbitrary and Tyrannical Government.

In this I ſhall not at all labour to prove, That the endeavouring by Words, Counſels and Actions, to ſubvert the Laws, is Treaſon at the Common-Law, if there be any Common-Law Treaſons at all left; nothing is Treaſon, if this be not, to make a Kingdom no Kingdom; take the Polity and Government away, *England* is but a piece of Earth, wherein ſo many men have their Commorancy and abode, without ranks or diſtinction of men, without property in any thing further than poſſeſſion; no Law to puniſh the Murthering, or robbing one another.

That of 33 *Hen.* 8. of introducing the Imperial Law, ſticks not with your Lordſhips; it was in caſe of an Appeal to *Rome*; theſe Appeals in Caſes of Marriages, and other cauſes counted Eccleſiaſtical, had been frequent, had in moſt Kings Reigns been tolerated; ſome in times of Popery put a conſcience upon them; the Statutes had limited the penalty to a *Præmunire* only, neither was that a total ſubverſion, only an Appeal from the Eccleſiaſtical Court here in a ſingle Cauſe, to the Court of *Rome*; and if Treaſon or not, that Caſe proves not a Treaſon may be puniſhed as a Felony: a Felony as a Treſpaſs, if his Majeſty ſo pleaſe; The greater includes the leſs in the Caſe of *Præmunire*: in the *Iriſh* Reports, that which is there declared to be Treaſon, was proceeded upon only as a *Præmunire*.

The things moſt conſiderable in this is, Whether the Treaſons at Common-Law, are taken away by the Statute of 25 *Edw.* 3. which is to ſpeak againſt both the direct words and ſcope of that Statute.

In it there's this clauſe, *That becauſe many other like Caſes of Treaſon might fall out, which are not there declared; therefore it is enacted, That if any ſuch Caſe come before the Judges, they ſhall not proceed to Judgment, till the Caſe be declared in Parliament, whether it ought to be adjudged Treaſon or not.*

Theſe words, and the whole ſcope of that Statute ſhews, that it was not the meaning to take away any Treaſons that were ſo before, but only to regulate the Juriſdiction and manner of Tryal. Thoſe that were ſingle and certain Acts, as conſpiring the Kings Death, Levying War, Counterfeiting the Money, or Great-Seal, Killing a Judge; theſe are left to the ordinary Courts of Juſtice: The others not depending upon ſingle Acts, but upon conſtructions and neceſſary Inferences, they thought it not fit to give the inferior Courts ſo great a latitude here, as too dangerous to the Subject, thoſe they reſtrained to the Parliament.

This Statute was the great ſecurity of the Subjects, made with ſuch wiſdom, as all the ſucceeding Ages have approved it; it hath often paſſed through the Furnace, but like Gold, hath left little or nothing.

The Statute of the Firſt *H.* 4. *Cap.* 10. is in theſe words, *Whereas in the Parliament held the* 21 *year of* Richard *the* 2. *divers pains of Treaſon were ordained, inſomuch that no man did know how to behave himſelf, to do, ſay, or ſpeak: It is accorded that in no time to come, any Treaſon be adjudged otherwiſe, than it was ordained by the Statute of* 25th *of* Edw. 3.

It hath been ſaid, To what end is this Statute made, if it takes not away the Common-Law Treaſons remaining after the Statute of the *25th* of *Edw.* 3?

There be two main things which this Statute doth; Firſt, it takes away for the future all the Treaſons, made by any Statute ſince 25 *Edw.* 3. to the 1 *H.* 4. even to that time; for in reſpect, that by another Act in that Parliament, the Statute of 21 *Rich.* 2. was repealed, it will not be denyed, but that this Statute repeals more Treaſons than theſe of the 21 *R.* 2. It repeals all Statute-Treaſons but thoſe in 25 *Edw.* 3.

Secondly, It not only takes away the Statute-Treaſons, but likewiſe the declared Treaſons in Parliament, after the *25th* of *Edw.* 3. as to the future, after Declaration in Parliament, the inferior Courts might judge theſe Treaſons; for the Declaration of a Treaſon in Parliament after it was made, was ſent to the inferior Courts, that *toties quoties* the like Caſe fell out, they might proceed therein, the Subject for the future, was ſecured againſt theſe; ſo that this Statute was of great uſe.

But by the very words of it, I ſhall refer all Treaſons to the proviſion of 25 *Edw.* 3. it leaves that entire, and upon the old bottom. The Statute of 1 Queen *Mary Cap.* 1. ſaith, That no offences made Treaſon by any Act of Parliament, ſhall thenceforth be taken or adjudged to be Treaſon, but only ſuch as be declared and expreſſed to be Treaſon by the Statute of 25 *Edw.* 3. *Concerning Treaſon, or Declaration of Treaſon*, and no others: And further provides, *That no pains of Death, penalties, or forfeiture in any wiſe ſhall enſue, for Committing any Treaſon; other than ſuch as be in the Statute of* 25 Edw. 3. *ordained and provided, any Act of Parliament, or any Declaration, or matter to the contrary, in any wiſe notwithſtanding.*

By the firſt of this Statute, only offences made Treaſon by Act of Parliament, are taken away, the Common-Law-Treaſons are no ways touched, the words [*And no others*] refer ſtill to offences made Treaſon by Act of Parliament; they reſtrain not to the Treaſons only, particularly mentioned in the Statute in the *25th Edw.* 3. but leave that Statute entire to the Common-Law-Treaſon, as appears by the words immediately foregoing.

By the Second Part, for the pains and forfeitures of Treaſons, if it intend only the puniſhment of Treaſon, or if it intend both Treaſon and Puniſhment, yet all is referred to the Proviſion and Ordinance of 25 *Edw.* 3. any Act of Parliament, or other Declaration, or thing notwithſtanding.

It ſaith not, other then ſuch Penalties of Treaſons, as are expreſſed and declared in the Statute of 25 *Edw.* 3. that might perhaps have reſtrained it to thoſe that are particularly mentioned, no, it refers all Treaſons to the general Ordination and Proviſion of that Statute, wherein the Comon-Law-Treaſons are expreſly kept on Foot.

If it be Asked, What good this Statute doth, if it take not away the Common-Law Treaſons?

1. It takes away all the Treaſons made by Act of Parliament, not only ſince the firſt of *Hen.* 4. which were many, but all before 1 *Hen.* 4. even until the 25 *E.* 3. by expreſs words.

2. By expreſs words, it takes away all declared Treaſons, if any ſuch had been in Parliament; Thoſe for the future are likewiſe taken away; ſo that whereas it might have been doubted, whether the Statute of the 1 *H.* 4. took away any Treaſons, but thoſe of the *22d*, and *23d* years of *R.* 2. This clears it, both for Treaſons made by Parliament, or declared in Parliament, even to the time of making the Statute.

This is of great uſe, of great ſecurity to the Subject; ſo that, as to what ſhall be Treaſon, and what not, the Statute of 25 *E.* 3. remains entire, and ſo by conſequence the Treaſons at the Common-Law.

Only, my lords, it may be doubted, whether the manner of the Parliamentary proceedings, be not altered by the Statute of 1 *H.* 4. *Chap.* 17. and more fully in the Parliament Roll, Number 144; that is, whether ſince that Statute the Parliamentary Power of Declaration of Treaſons, whereby the inferior Courts Receive Juriſdiction, be not taken away and reſtrained only to Bill, that ſo it might operate no further, then to that particular contained in the Bill, that ſo the Parliamentary Declarations for after-times, ſhould be kept within the Parliament it ſelf, and be extended no further: Since 1 *H.* 4. we have not found any ſuch Declarations made, but all Attainders of Treaſon have been by Bill?

If this be ſo, yet the Common-Law Treaſons ſtill remaining, there is one and the ſame ground of reaſon and equity ſince the 1 *H.* 4. for paſſing a Bill of Treaſon, as was before, for declaring of it without Bill.

Herein the Legiſlative power is not uſed againſt my Lord of *Strafford* in the Bill, its only the Juriſdiction of the Parliament.

But, my Lords, becauſe that either through my miſtaking of the true grounds and reaſons of the Commons, or my not preſſing them with apt agreements, and preſidents of former times, or that perchance your Lordſhips, from ſome other Reaſons and Authorities, more ſwaying with your Lordſhips Judgments, then theſe from them, may poſſibly be of a contrary or dubious opinion, concerning theſe Treaſons, either upon the Statutes of 25 *E.* 3. & 18 *H.* 6. or at the Common-Law.

My Lords, If all theſe five ſhould fail, they have therefore given me further in Command, to declare to your Lordſhips ſome of their Reaſons, why they conceive that in this Caſe, the meer Legiſlative Power may be exerciſed.

Their Reaſons are taken from theſe three grounds;

1. From the nature and quality of the Offence.

2. From the Frame and Conſtitution of the Parliament, wherein this Law is made.

3. From Practices and Uſages of former times.

The horridneſs of the Offence, in endeavouring the overthrowing the Laws and preſent Government, hath been fully opened to your Lordſhips heretofore.

The Parliament is the Repreſentation of the whole Kingdom, wherein the King as Head, your Lordſhips as the moſt Noble, and the Commons the other Members, are knit together into one Body Politick; This diſſolves the Arteries and Ligaments that hold the Body together, the Laws; He that takes away the Laws, takes not away the Allegiance of one Subject alone, but of the whole Kingdom.

It was made Treaſon by the Statute of 13 *Eliz.* for Her time, to affirm, that the Laws of the Realm do not bind the Deſcent of the Crown; no Law, no Deſcent at all.

No Laws, no Peerage; no Ranks or Degrees of men; the ſame condition to all.

It's Treaſon to kill a Judge upon the Bench; this kills not *Judicem*, *ſed Judicium*; He that borrowed *Apelles*, and gave Bond to return again *Apelles* the Painter, ſent him home, after he had cut off his Right Hand; his Bond was broken; *Apelles* was ſent, but not the Painter. There are Twelve Men, but no Law; there's never a Judge amongſt them.

It's Felony to Imbezle any one of the Judicial Records of the Kingdom; this at once Sweeps them all away, and from all.

It's Treaſon to Counterfeit a Twenty ſhillings piece, here's a Counterfeiting of the Law; we can call neither the Counterfeit, nor true Coin, our own.

It's Treaſon to Counterfeit the Great-Seal for an Acre of Land; no property hereby is left to any Land at all; nothing Treaſon now, either againſt King or Kingdom; no Law to puniſh it.

My Lords, If the Queſtion were Asked at *Weſtminſter-Hall*, Whether this were a Crime puniſhable in *Star-Chamber*, or in the *Kings-Bench*, by Fine or Impriſonment? they would ſay it went higher: If whether Felony? they would ſay, that's for an Offence only againſt the Life, or Goods of ſome one or few perſons; It would, I believe, be anſwered by the Judges, as it was by the Chief Juſtice *Thurning* in 21 *R.* 2. that though he could not Judge the Caſe Treaſon there before him, yet if he were a Peer in Parliament he would ſo Adjudge it.

My Lords, if it be too big for thoſe Courts, we hope it's in the right way here.

2. The ſecond Conſideration is from the Frame and Conſtitution of the Parliament; the Parliament is the great Body Politick, it comprehends all from the King to the Beggar; if ſo, My Lords, as the Natural, ſo this Body, it hath power over it ſelf,and every one of the Members,for the preſervation of the whole; It's both the Phyſitian and the Patient; If the Body be diſtempered, it hath power to open a Vein, to let out the corrupt blood for curing it ſelf; if one Member be Poyſoned or Gangred, it hath power to cut it off for the preſervation of the reſt.

But, my Lords, it hath often been inculcated, that Law-makers ſhould imitate the Supreme Law-giver, who commonly warnes before he ſtrikes. The Law was promulged before the Judgment of death for gathering the Sticks. No Law, no Tranſgreſſion.

My Lords, To this rule of Law is *Fruſtra legis auxilium invocat, qui in legem committit*, from the *Lex talionis*; he that would not have had others to have a Law, Why ſhould he have any himſelf? Why ſhould not that be done to him, that himſelf would have done to others?

It's true, we give Law to Hares and Deers, becauſe they be Beaſts of Chaſe; It was never accounted either cruelty or foul play, to knock Foxes and Wolves on the head, as they can be found, becauſe theſe be Beaſts of Prey. The Warrener ſets Traps for Polcats and other Vermine, for preſervation of the Warren.

Further, my Lords, moſt dangerons Diſeaſes, if not taken in time, they kill; Errors, in great things, as War and Marriage,they allow no time for repentance; it would have been too late to make a Law, when there had been no Law.

My Lords, for further Anſwer to this Objection, he hath offended againſt a Law, a Law within the endeavouring to ſubvert the Laws, and Polity of the State wherein he lived, which had ſo long, and with ſuch faithfulneſs protected his Anceſtry,Himſelf,and his whole Family: It was not *Malum quia prohibitum*, it was *Malum in ſe*, againſt the Dictates of the dulleſt Conſcience, againſt the Light of Nature, they not having a Law, were a Law to themſelves.

Beſides this, he knew a Law without, that the Parliament, in Caſes of this Nature, had *Poteſtatem vitæ & necis*.

Nay, he well knew, that he offended the Promulged and Ordinary Rules of Law. Crimes againſt Law have been Proved,have been Confeſſed; ſo that the Queſtion is not *De culpa, ſed de pœna*, What degree of Puniſhment thoſe Faults deſerve? We muſt differ from him in Opinion, That twenty Felonies cannot make a Treaſon, if it be meant of equality in the uſe of the Legiſlative Power; for he that deſerves death for one of theſe Felonies alone; deſerves a Death more painful, and more Ignominious for all together.

Every Felony is puniſhed with loſs of Life, Lands and Goods; a Felony may be aggravated with thoſe Circumſtances, as that the Parliament with good reaſon may add to the Circumſtances of Puniſhment, as was done, in the Caſe of *John Hall*, in the Parliament of the 1 *H*. 4. who, for a Barbarous Murder, committed upon the Duke of *Gloceſter*, ſtifling him between two Feather-Beds at *Calice*, was adjudged to be Hanged, Drawn and Quartered.

Batteries by Law are only puniſhable by Fine, and ſingle Damages to the Party Wounded.

In the Parliament held in 1 *H*. 4. *Cap*. 6. one *Savage* committed a Battery upon one *Chedder*, Servant to Sir *John Brooke*, a Knight of the Parliament for *Somerſetſhire*. It's there Enacted, that he ſhall pay double Damages, and ſtand Convicted, if he render not himſelf by ſuch a time. The manner of proceedings quickned, and the penalty doubled; the Circumſtances were conſidered, it concerned the Common-Wealth, it was a Battery with Breach of Priviledge of Parliament.

This is made a perpetual Act: no warning to the firſt Offender: and in the Kings-Bench,as appears by the Book-Caſe of 9 *H*. 4. the firſt leaf, Double Damages were recovered.

My Lords, in this of the Bill, the Offence is High and General, againſt the King and the Common-wealth, againſt all, and the beſt of all.

If every Felony be loſs of Life, Lands and Goods; What is Miſuſer of the Legiſlative Power, by Addition of Ignominy, in the Death and Diſpoſal of the Lands to the Crown, the Publick Patrimony of the Kingdom?

But it was hoped, that your Lordſhips had no more skill in the Art of killing Men, then your worthy Anceſtors.

My Lords, this Appeal from your ſelves to your Anceſtors we do admit of, although we do not admit of that from your Lordſhips to the Peers of *Ireland*.

He hath Appealed to them; your Lordſhips will be pleaſed to hear, what Judgment they have already given in the caſe, that is, the ſeveral Attainders of Treaſon in Parliament; after the Statute of 25 *E.* 3. for Treaſons not mentioned, nor within that Statute, and thoſe upon the firſt Offenders without warning given.

By the Statute of 25 *E.* 3. it's Treaſon to levy War againſt the King; *Gomines* and *Weſton* afterwards in Parliament, in the 1 *R.* 2. *n.* 38, 39. adjudged Traytors for ſurrendring two ſeveral Caſtles in *France*, only out of fear, without any Compliance with the Enemy; this not within the Statute of 25*th E.* 3.

My Lords, In the 3*d* year of *Rich. 2d. John Imperiall* that came into *England* upon Letters of Safe Conduct, as an Agent for the State of *Genoa*, ſitting in the evening before his door, in *Breadſtreet* (as the words of the Records are) *Paulo ante ignitegium*; *John Kirkby*, and another Citizen coming that way, Caſually *Kirkby* troad upon his Toe, it being twilight, this grew to a Quarrel, and the Ambaſſador was ſlain; *Kirkby* was Indicted of High-Treaſon, the Indictment finds all this, and that it was only done *ſe defendendo*, and without malice.

The Judges, it being out of the Statute 25 *E.* 3. could not proceed; the Parliament declared it Treaſon, and Judgment afterwards of High-Treaſon: there's nothing can bring this within the Statute of 25 *E.* 3. but it concerns the Honour of the Nation, that the publick Faith ſhould be ſtrictly kept: It might endanger the Traffique of the Kingdom; they made not a Law firſt, they made the firſt man an Example; this is in the Parliament Roll 3 *R.* 2. *Number* 18. and *Hillary-Term*, 3 *R.* 2. *Rot.* 31. in the Kings-Bench, where Judgment is given againſt him.

In 11 *R.* 2. *Treſilian*, and ſome others, attainted of Treaſon for delivering Opinions in the Subverſion of the Law, and ſome others for plotting the like. My Lords, the Caſe hath upon another occaſion been opened to your Lordſhips; only this is obſervable, that in the Parliament of the firſt year of *Henry* the Third, where all Treaſons are again reduced to the Statute of 25 *E.* 3. Theſe Attainders were by a particular Act confirmed and made good, that the memory thereof might be tranſmitted to ſucceeding Ages, they ſtand good unto this day; the offences there as here, were the endeavouring the Subverſion of the Laws.

My Lords, after the 1 *H.* 4. Sir *John Mortimer* being committed to the *Tower*, upon ſuſpition of Treaſon, brake Priſon, and made his eſcape; This is no way within any Statute, or any former Judgment at Common-Law for this, that is, for breaking the Priſon only, and no other cauſe; in the Parliament held the ſecond year of *Henry* the Sixth, he was attainted of High-Treaſon by Bill.

My Lords, Poyſoning is only Murder, yet one *Richard Cooke* having put Poyſon into a Pot of Pottage in the Kitching of the Biſhop of *Rocheſter*, whereof two perſons dyed, he's Attainted of Treaſon, and it was Enacted, that he ſhould be Boyled to death by the Statute of 22 *H.* 8. *c.* 9.

By the Statute of the 25. *H.* 8. *Elizabeth Barton* the Holy Maid of *Kent*, for pretending Revelations from God, That God was highly diſpleaſed with the King, for being divorced from the Lady *Catherine*, and that in caſe he periſhed in the ſeparation, and ſhould marry another, that he would not continue King not above one month after, becauſe this tended to the depriving of the Lawful Succeſſion to the Crown She is attainted of Treaſon.

My Lords, All theſe Attainders for ought I know, are in force at this Day, the Statutes of the 1 year of *H.* 4. and the 5 of Queen *Mary*, although they

1641.

were willing to make the Statute of 25 *E.* 3. the Rule to the Inferior Courts, yet they left the Attainders in Parliament precedent to themſelves untoucht, wherein the Legiſlative Power had been exerciſed; there is nothing in them whence it can be gathered but that they intended to leave it as free for the future, and my Lords, in all theſe Attainders there were crimes and offences againſt the Law, they thought it not unjuſt (Circumſtances conſidered) to heighten and add to the degrees of puniſhment, and that upon the firſt Offender.

My Lords, we receive as juſt, the other Laws and Statutes made by theſe our Anceſtors, they are the Rules we go by in other Caſes, why ſhould we differ from them in this alone? Theſe my Lords are in part thoſe things which have ſatisfied the Commons in paſſing the Bill, it is now left to the Judgment and Juſtice of your Lordſhips.

To which the Earl made no reply, but lifting up his hands to Heaven, to atteſt his Innocence, and Petition Protection and a more Juſt and Equitable Sentence there, he ſeemed to expreſs greater Eloquence by his Silence, then the other had done by his Prolix Diſcourſe.

Friday, April 30.

However, that he might not ſeem wanting to himſelf, upon *Friday* he Petitioned the Lords, *That he might be heard again in point of Law to make his Defence againſt the Bill of Attainder; but it was denied him.*

The next Day being *Saturday*, the King went down to the Houſe of Lords, and having ſent for the Commons, he made this following Speech to both the Houſes.

My Lords, and Gentlemen,

The Kings Speech to both Houſes concerning the Earl of *Strafford, April* 30.

I *Had not any intention to ſpeak of this buſineſs, which cauſes me to come here to day, which is the great Impeachment of the Earl of* Strafford; *But now it comes to paſs, that of neceſſity I muſt have part in that Judgment: I am ſure you all know that I have been preſent at the Hearing of this great buſineſs, from the one end to the other; that which I have to declare unto you is ſhortly this.*

That in my Conſcience I cannot condemn him of High Treaſon, It is not fit for me to argue the buſineſs, I am ſure you will not expect it. A Poſitive Doctrine beſt comes out of the mouth of a Prince; Yet I muſt tell you Three great Truths, which I am ſure no body can know ſo well as my ſelf. 1. *That I never had any intention of bringing over the* Iriſh *Army into* England, *nor ever was adviſed by any body ſo to do.* 2. *There never was any Debate before me, neither in publick Council, nor at private Committee, of the Diſloyalty, and Diſaffection of my* Engliſh *Subjects, nor ever had I any ſuſpition of them.* 3. *I was never Counſell'd by any, to alter the leaſt of any of the Laws of* England, *much leſs to alter all the Laws; Nay, I muſt tell you this, I think no body durſt be ever ſo impudent to move me in it; for if they had, I ſhould have put a Mark upon them, and made them ſuch an Example, that all Poſterity ſhould know my intention by it; for my intention was ever to Govern according to the Law, and no otherwiſe.*

I deſire to be rightly underſtood, I told you in my Conſcience I cannot Condemn him of High Treaſon; yet I cannot ſay I can clear him of miſdemeanor: Therefore I hope that you may find a way, for to ſatisfie Juſtice and your own Fears, and not to preſs upon my Conſcience. My Lords, I hope you know what a tender thing Conſcience is. Yet I muſt declare unto you, That to ſatisfy my People I would do great matters. But in this of Conſcience, no fear, no reſpect whatſoever, ſhall ever make me go againſt it. Certainly, I have not ſo ill deſerved of the Parliament at this time, that they ſhould preſs *me in this tender point, and therefore I cannot expect, that you will go about it.*

Nay, I muſt confeſs for matter of miſdemeanor, I am ſo clear in that, that though I will not chalk out the way, yet let me tell you, that I do think my Lord of Strafford, *is not fit hereafter to ſerve me or the Common-wealth in any Place of Truſt, no not ſo much as to be a High Conſtable: Therefore I leave it to you my Lords, to find ſome ſuch way as to bring me out of this great ſtreight, and keep your Selves and the Kingdom from ſuch Inconveniences. Certainly, he that thinks him guilty of High Treaſon in his Conſcience may condemn him of Miſdemeanor.*

The Houſe of Commons were ſo ſtartled and galled with this Speech, that immediately upon their return to their Houſe, they cryed *Adjourn, Adjourn*; which they did in the greateſt diſcontent imaginable: for they thought they had brought the King to a *Concedimus omnia,* and therefore finding themſelves under this Miſtake, they betook themſelves to new Arts, and to effect that by the power of Tumults, which they thought themſelves out of the hopes of obtaining in a Regular Method. All that the King got by this free Declaration of himſelf in ſavour of the Earl was, to loſe much of the affections of the People, whether he ſhould paſs the Bill or deny it. For if he paſſed it then it was to be imputed to the Neceſſity of his Affairs, not his Inclinations to the good of his Subjects; and if he denied it, then it muſt have been eſteemed a Denyal of Juſtice to his People.

The Tumult about the *Spaniſh* Ambaſſador.

The firſt beginning of theſe tumultuarie Diſorders was upon *Thurſday* before, when a great many Apprentices, and looſe People beſet the *Spaniſh* Embaſſador's Houſe in *Biſhop-Gate,* threatning to pull down the Houſe, and kill the Ambaſſador. To appeaſe the Tumult, the Lord Mayor of *London* came among them, and not without a great deal of Difficulty perſwaded them to retire. After he had pacified the Multitude, the Lord Mayor went into the Houſe; at his Entrance the Ambaſſador met him, and deſired him to drop the point of his Sword which was carried before him, acquainting him, *That he was now in a place where the King of* Spain *had Juriſdiction.* That being done, he told my Lord Mayor, *That in all his life he had not ſeen a more barbarous attempt, and deſired to know whether* England *was a civilized Nation or not, where the Law of Nations was ſo horribly violated?* The Lord Mayor replied, *That they were of the Baſe and inferior ſort of the People, and intreated the Tumult might not be imputed to the City.* To whom the Ambaſſador tartly returned, *That he could ſcarce tell how to acknowledg that to be a City, or almoſt a Society of Men, where there was ſo little Civility and Government.* The Mayor told him, *The People were diſcontented becauſe Maſs was publiquely ſaid in his Houſe.* The Ambaſſador replied, *That the* Engliſh *Ambaſſador had without diſturbance the free Exerciſe of his Religion at* Madrid, *and that he would rather loſe his life, then the Priviledges due to him by Paction and the Laws of Nations.* The Mayor replied, *That the People were the more incenſed againſt him, becauſe the* Londoners *who were of the Popiſh Religion, were permitted to frequent his Houſe at Maſs, which was contrary to Law.* To this the Ambaſſador ſaid, *That if the Mayor would keep them out, he would ſend for none of them; but if they came within his Doors, he could neither in Conſcience to his Religion, or Honour to his Maſter, deny them either acceſs to his Devotions, or protection to their Perſons ſo far as in him lay.* In ſhort, a Guard was appointed to attend

1641.

attend his Houſe to prevent further inconveniences, and to keep the Ambaſſador from Affronts, and the People from frequenting Maſs.

But this Storm was no ſooner over, but upon *Monday* it began to riſe again with far greater horror and Impetuoſity, and it muſt be imputed to the Artifice of the Earl of *Strafford*'s Enemies, who by this means were reſolved to terrifie the Lords into a Compliance; for in truth the Bill of Attainder went on very ſlowly in the Lords Houſe, and had they not been driven from their Houſe by the Inſolence and Menaces of the Tumults, it had never come to the Royal Aſſent. To quicken ſome therefore, and affright others, 5 or 6000 Porters, Carr-men and other Diſſolute and Rude Fellows aſſembled upon *Monday* after the Noiſe of the King's Speech was bruited abroad the Town; and having filled the Pallace Yards, and poſted themſelves at all the Entrances to the Parliament-Houſe, they ſtopped every Coach, crying out, *Juſtice and Execution*; and upon a ſign given that *Juſtice and Execution* was the noble Word, they ſent forth ſuch hideous Cries, as were enough to create amazement in perſons of the greateſt Conſtancy. The Lord Steward coming by, his Coach was ſtopp'd, and ſome of the moſt inſolent ſtepping to him, demanded of him *Juſtice and Execution*, and told him, *Juſtice they had already, Execution they deſired, and would have it*. He anſwered them, *They ſhould have Juſtice, if they would have Patience*. To which they replied, *No, they had already had too much Patience, longer we will not ſtay*; *and before you part from us, we will have a promiſe of Execution*. He told them *he was going to the Houſe for that purpoſe, and that he would Endeavour to content them*. Whereupon ſome of them cried, *We will take his word for once*; and ſo with difficulty enough he got to the Houſe.

The Lords ſate till Twelve of the Clock, and moſt of them went back by Water; and when the Lord Chamberlain, the Earl of *Holland* came out to take Coach, they redoubled their Cry, and coming up to the Earl of *Briſtol*'s Coach, ſome of them told him; *For You my Lord of* Briſtol, *we know you are an Apoſtate from the Cauſe of Chriſt, and our Mortal Enemy, we do not therefore crave Juſtice from You, but ſhall ſhortly crave Juſtice upon You, and your falſe Son the Lord Digby*.

Nor did they ſtop here, but having gotten a Liſt of thoſe who Voted againſt the Bill of Attainder in the Houſe of Commons, they paſted up their Names at the Corner of the Wall of Sir *William Brunkard*'s Houſe in the Old Pallace-Yard, giving them the Title of *Enemies of Juſtice, and Straffordians*; adding withall this inſolent Menace, *That theſe and all other Enemies of the Common-wealth ſhould periſh with* Strafford.

This Popular Revenge however has done this kindneſs to thoſe Gentlemen, who durſt ſo boldly adventure the Protection of Innocence, that it has conveyed their Names down to Poſterity; which in after Ages will look upon them with the greater Honour and Veneration for the Indignity put upon them by the Rude Multitude. They were theſe,

The Lord *Digby*,
Lord *Compton*,
Lord *Buckhurſt*,
Sir *Robert Hatton*,
Sir *Thomas Fanſhaw*,
Sir *Edward Alford*,
Nicholas Slanning,
Sir *Henry Slingsby*,
Sir *William Portman*,
Mr. *Gervas Hollis*,
Mr. *Sydney Godolphin*,
Mr. *Cook*,
Mr. *Coventry*,
Mr. *Kirton*,
Serjeant *Hide*,
Mr. *Tayler*,
Mr. *R. Weſton*,
Mr. *Griffith*,
Mr. *Scawen*,
Mr. *Bridgman*,
Mr. *Fettyplace*,

Dr. *Turnor,*
Sir *Thomas Danby,*
Sir *George Wentworth,*
Sir *Frederick Cornwallis,*
Sir *William Carnaby,*
Sir *Richard Winn,*
Sir *Gervas Clifton,*
Sir *Will. Widdrington,*
Sir *William Pennyman,*
Sir *Patricius Curwin,*
Sir *Richard Lee,*
Mr. *Pollard,*
Mr. *Price,*
Mr. *Trevanion,*
Mr. *Jean.*
Mr. *Edgcomb,*
Mr. *Ben. Weſton,*
Mr. *Selden,*
Mr. *Alford,*
Mr. *Lloyd,*
Mr. *Herbert,*
Captain *Digby,*
Mr. *Charles Price,*
Dr. *Parry,*
Mr. *R. Arundel,*
Mr. *Newport,*
Mr. *Nowel,*
Mr. *Chichley,*
Mr. *Mallorey,*
Mr. *Porter;*
Mr. *White,*
Mr. *Warwick.*

Nor were they ſatisfied or reſted here, but one among the reſt proceeded to the height of Impudence, crying out, as it was affirmed, *If we have not the Lieutenant's Life, we will have the King's*: and however the matter was paſſed over, yet I find ſome traces of it, and the Examination of one *Lilburn* for dangerous words, before the Lords, who upon his ſaying *that he only repeated what he heard ſome perſons ſay whom he did not know,* was diſcharged for the preſent, but the Cauſe ordered to be retained in the Houſe. And moſt certainly they had ſome great Perſons who ſtood behind the Curtain and animated theſe Diſorders; for all this while the Houſe of Commons ſate cloſe, as if there had been no diſturbance; and while the Commotion was at the height, they were hatching the *Proteſtation*, the Bill for perpetuating the Parliament during the pleaſure of the Two Houſes; and buſie upon the Diſcovery of a ſtrange Plot by a few Young Gentlemen to bring up the Army; and indeed laying the Foundations of all the Miſeries of a Future Rebellion.

Tueſday, May 4.

Upon *Tueſday May* the Fourth, there was a Conference between the Houſes, where the Lord Privy Seal acquainted the Commons with a Meſſage from the King and Council, *wherein His Majeſty takes Notice of the Tumults, and that it is His Majeſties Pleaſure that both Houſes take it into Conſideration, that ſome ſpeedy Courſe may be taken to ſettle Peace and prevent the like Diſorders for the Future*: He repreſented to them, *That it was the great hinderance of their paſſing the Bill of Attainder, their Lordſhips being ſo encompaſſed with multitudes of People, that they could not be conceived to be free.* But notwithſtanding all this, the Commons took no notice of them, ſo that the Connivence it ſelf was the ſame thing with an Encouragement.

His Lordſhip alſo acquainted them with a Petition or ſomething like one, which the Lords had received from the Multitudes that flocked together; which being ſo like Mr. *Pym*'s Speech, to Uſher in the *Proteſtation* and *Perpetual Bill*, give occaſion to believe they were Arrows of the ſame Quiver: For Mr. *Pym*, as a Prologue to thoſe Deſigns, acquainted the Houſe, *That there were Informations of Deſperate Deſigns at home and abroad, to bring up the Army againſt the Parliament, to ſurprize the* Tower, *that the Earl of* Strafford *might Eſcape*; *that* Portſmouth *was to be betrayed*; *the* French *were drawing down their Army in all haſt to the Sea ſide.* And to the ſame Effect was the Petition of the Rabble States men, which follows.

Petition of the Rabble.

T*Hat whereas your Petitioners did yeſterday Petition for the Redreſs of many Grievances, and for the Execution of Juſtice upon the Earl of* Strafford *and other Incendiaries, and to be ſecured from ſome dangerous*

1641.

rous Plots and Deſigns on Foot, to which your Lordſhips have this day given Anſwer that you have the ſame under Conſideration; for which your Petitioners do render humble thanks: but foraſmuch as your Petitioners underſtand that the Tower *of* London *is preſently to receive a Garriſon of men not of the Hamblets as uſually they were wont to do, but conſiſting of other Perſons under the command of a Captain a great Confident of the Earl of* Strafford, *which doth encreaſe their fears of the ſuddain Deſtruction of King and Kingdom, wherein your Lordſhips and Poſterity are deeply intereſted; and this is done to make way for the Eſcape of the Earl of* Strafford *the Grand Incendiary. They therefore pray that inſtant Courſe may be taken for the diſcovery thereof, and that ſpeedy Execution of Juſtice be done upon the Earl of* Strafford.

Hereupon the Lords ſent ſix Peers to the *Tower*, who Examining the Lieutenant, he informed them he had a Command from the King to receive a hundred men under Captain *Billingſley* into the *Tower*; thereby throwing an Odious Reflexion upon the King as if he were of confederacy for the Earl his Eſcape; which his Majeſty underſtanding, did himſelf the Juſtice, to let the Lords know by a Meſſage, *That upon a Complaint of Sir* William Balfour *the Lieutenant of the* Tower, *of the great Reſort of People thither, he Ordered the ſaid Captain and his Company to guard the Munition there; but if that occaſion Jealouſies, his Majeſty is willing to receive their Lordſhips advice.*

And for the other fine ſtory of the Earl's Eſcape, is was diſcovered by the miracle of three good Wives of *Wappings* peeping in at the Keyhole out of Curioſity to ſee the Earl, and they heard him diſcourſe with his Secretary Mr. *Slingsby* about his Eſcape; but Mr. *Slingsby* upon Examination abſolutely denyed it, as did alſo the Maſter of the Ship which was ſaid to be laid for him; only *Balfour* being Examined confeſſed the Earl had moved ſome ſuch thing, and offered him the King's Warrant for his Indemnity, but whoever conſiders that he was a *Scot*, a Confident of the Party, and that all things were managed by *Scottiſh* Counſels, Meaſures and Examples of Tumults, and withal, how unjuſtly he had traduced the King juſt before in the matter of Captain *Billingsley*, will not at all admire he ſhould make a little bold with his Conſcience to keep his place, to oblige his Friends, and Countenance a Report which was ſo advantageous to the Deſigns that were then caarying on by Tumults and all the Artifices imaginable.

But that which puts it out of all doubt is, the Letter which this noble Lord writ that very day to the King to paſs the Bill of Attainder againſt him, a Generoſity, as it was very uncommon, ſo very inconſiſtent with the deſign of this pretended Eſcape, which ſeemed rather Levelled at his Majeſties Reputation among the People then to have any reality in it. The Letter was this,

The Earl of *Strafford's* Letter to the King. *May* 4.

May it pleaſe Your Sacred Majeſty,

IT hath been my greateſt grief in all theſe Troubles, to be taken as a perſon which ſhould endeavour to repreſent and ſet things amiſs between Your Majeſty and Your People, and to give Counſels tending to the diſquiet of the Three Kingdoms.

Moſt true it is, (that this mine own private Condition conſidered) it had been a great madneſs, (ſince through Your Gracious Favour I was ſo provided) as not to expect in any kind to mend my fortune, or pleaſe my mind more, than by reſting where Your bounteous Hands had placed me.

Nay, it is moſt mightily miſtaken; for unto your Majeſty it is well known, my poor and humble Advices concluded ſtill in this, That Your Majeſty, and Your People could never

1641.

never be happy, till there were a right underſtanding betwixt You and them, and that no other means were left, to effect and ſettle this happineſs, but by the Counſel and Aſſent of Your Parliament, or to prevent the growing Evils of this State, but by intirely putting Your Self in this laſt reſort, upon the Loyalty and good Affections of Your Engliſh Subjects.

Yet ſuch is my misfortune, that this Truth findeth little credit; yea, the contrary ſeemeth generally to be believed, and my ſelf reputed as one who endeavoured to make a ſeparation between You and Your People; under a heavier cenſure than this, I am perſwaded no Gentleman can ſuffer.

Now I underſtand the minds of Men are more and more incenſed againſt me, notwithſtanding Your Majeſty hath declared, That in Your Princely opinion I am not Guilty of Treaſon, and that You are not ſatisfied in Your Conſcience, to paſs the Bill.

This bringeth me in a very great ſtreight, there is before me the ruine of my Children and Family, hitherto untouch'd in all the Branches of it, with any foul crime: Here are before me the many ills, which may befal Your Sacred Perſon and the whole Kingdom, ſhould Your Self and Parliament part leſs ſatisfied one with the other, than is neceſſary for the preſervation both of King and People: Here are before me the things moſt valued, moſt feared by mortal men, Life or Death.

To ſay Sir, that there hath not been a ſtrife in me, were to make me leſs man, than, God knoweth, my Infirmities make me; and to call a deſtruction upon my ſelf and young Children, (where the intentions of my heart at leaſt have been innocent of this great offence) may be believed, will find no eaſy conſent from Fleſh and Blood.

But with much ſadneſs, I am come to a Reſolution of that, which I take to be beſt becoming me, and to look upon it, as that which is moſt principal in it ſelf, which doubtleſs is the proſperity of Your Sacred Perſon, and the Common wealth, things infinitely before any private mans intereſt.

And therefore in few words, as I put my ſelf wholly upon the Honor and juſtice of my Peers, ſo clearly, as to wiſh Your Majeſty might pleaſe to have ſpared that Declaration of Yours on Saturday laſt, and intirely to have left me to their Lordſhips; So now to ſet Your Majeſties Conſcience at liberty, I do moſt humbly beſeech Your Majeſty for prevention of evils, which may happen by Your refuſal to paſs this Bill; and by this means to remove (praiſed be God) I cannot ſay this accurſed (but I confeſs) this unfortunate thing, forth of the way towards that bleſſed agreement, which God I truſt, ſhall ever eſtabliſh between You and Your Subjects.

Sir, My Conſent ſhall more acquit you herein to God, than all the World can do beſides; To a willing man there is no injury done, and as by Gods Grace I forgive all the World, with a calmneſs and meekneſs of infinite contentment to my diſlodging Soul: So Sir, to you I can give the life of this world, with all the chearfulneſs imaginable. in the juſt acknowledgment of your exceeding favours; and only beg, that in Your Goodneſs, You would vouchſafe to caſt Your Gracious regard upon my poor Son, and his Three Siſters, leſs or more, and no otherwiſe than as their (in preſent) unfortunate Father, may hereafter appear more or leſs guilty of this death. God long preſerve Your Majeſty.

Tower, *May* 4.
1641.

Your Majeſties moſt Faithful,
And Humble Subject,
And Servant,
STRAFFORD.

And for ſuppreſſing the Tumults, the Commons Ordered Dr. *Burgeſs*, to read the Proteſtation to the People, and to tell them, The Parliament deſired them to return home, which he did and thereupon they departed, by which it is Evident who raiſed, influenced and Governed the Tumults.

Wedneſday, May 5.

Upon *Wedneſday May* the *5th*, there happened a ſtrange hubbub in the City which was now wholy ſet upon Tumults and Diſorders, which

1641.

was upon this ridiculous occaſion, Sir *Walter Erle* was making a Report of a Deſign to blow up the Houſe of Commons, whereupon Mr. *Middleton* and Mr. *Moyle* two corpulent men, and ſome others ſtanding up to hear the Report, a board in the Gallery broke and gave ſuch a Crack, that ſome apprehended the Houſe was blown up indeed, and Sir *John Wray* crying out, He ſmelt Gun-Powder, they hurried out of the Houſe, and frighted the People in the Lobby, who ran into the Hall crying out, The Parliament Houſe was falling and the Members ſlain, and the People running in confuſion through the Hall Sir *Robert Manſel* drew his Sword and bid them ſtand for ſhame, he ſaw no Enemy to hurt the Parliament and that there was no danger, but ſome of the Zealots by water gave the alarm, ſo that the Drums beat, and a Regiment of Train-Bands marched as far as *Covent-Garden*, and the Rabble of Volunteers down to the Houſe to ſave the Parliament, which ridiculous Accident though at preſent it occaſioned no other effect but laughter, yet did ſtrangely embolden the Factious, who now plainly diſcovered the Influence they had over the Multitude, and that they were perfectly at their Devotion.

Judges Opinion about the Earl of *Strafford*.

Things being in this Diſtraction, and few of the Lords daring to appear at the Houſe, yet the Bill went on but ſlowly, but in concluſion, the Judges to give the better Countenance to the Matter, being demanded their opinion, and the Lord Chief Juſtice of the King's-Bench delivering it as their Unanimous Opinion, That upon all that which their Lordſhips have Voted to be proved, the Earl of *Strafford* doth deſerve to undergo the pains and forfeitures of High-Treaſon; and the Bill for perpetuating the Parliament which was brought up from the Commons the day before being quickly diſpatched, read and paſſed the next, being *Saturday May* the 8*th*. The Bill of Attainder was alſo paſſed the Houſe of Lords, but yet not without Oppoſition, for all the Lords except 45 being abſent, of thoſe is was carried but by 7 Votes, 19 giving their Not-content, to 26 that gave their content to the paſſing of this Fatal Bill.

Saturday, May 8.

The great Difficulty after all was to be yet overcome in procuring the Royal aſſent, and for this purpoſe both the Houſes attended his Majeſty in the Banquetting-Houſe to move him to it, to which they received Anſwer, That upon *Monday* they ſhould know His Majeſties Reſolution.

All *Sunday* the King ſtruggled with himſelf what to do in this Affair, and certainly never was any Poor Prince ſo harraſed between the Importunities of pretended neceſſity of State, and the doubts of his own Conſcience, which told him the Earl was Innocent of what he was to die for; the Lord-Chamberlain told him he acted like *David*, and cited 2 *Chron.* 19. from *Verſ.* the 5 to 8. and that ſhould he deny this it would be conſtrued that he loved his Enemies and hated his Friends, and that if he did not ſpeak comfortably to the People, they would deſert him, which would be worſe then all the Evils that had befallen him in his life. The King ſent for the Judges and the Biſhops to aſſiſt him, the Biſhops referred him to the Judges yet told him, That, in his Conſcience he found not the Earl guilty in matter of Fact he ought not to paſs the Bill; but for matter of Law what was Treaſon they referred him to the Judges, who according to their Oath ought to carry themſelves indifferently between him and his Subjects; only Doctor *Juxon* reſolutely told him that if he were not ſatisfied in his Conſcience he ought not to

1641.

do it whatſoever happened, the King complained of the Judges, that they had not ſatisfied him, nor indeed durſt they give their Opinions freely for the ſatisfaction of his Conſcience, their own Conſciences being over-awed and terrified, their very Courage and Reaſon, having deſerted them in this Common Extremity, and by their dubious anſwers abuſing him, as he ſaid, not eaſing him of his Scruples. The general advice was to ſubmit to the preſent neceſſity, but how dearly both the King and they paid for making Religion truckle to reaſon of State, hear him ſpeak himſelf in his own Book concerning the Death of this Great Man.

Εἰκὼν Βασιλικὴ upon the Earl of *Straffords* Death.

I Looked upon my Lord of Strafford *as a Gentleman, whoſe great abilities might make a Prince rather afraid, than aſhamed to imploy him, in the greateſt affairs of State.*

For thoſe were prone to create in him great confidence of undertakings, and this was like enough to betray him to great Errors, and many Enemies: whereof he could not but contract good ſtore, while moving in ſo high a Sphear, and with ſo vigorous a Luſter, he muſt needs (as the Sun) raiſe many envious exhalations, which condenſed by a Popular odium, *were capable to caſt a cloud upon the brighteſt merit and integrity.*

Though I cannot in my Judgment approve all he did, driven (it may be) by the neceſſities of times, and the temper of that people, more than led by his own diſpoſition to any height and rigor of Actions: yet I could never be convinced of any ſuch criminouſneſs in him, as willingly to expoſe his life to the ſtroke of Juſtice and Malice of his enemies.

I never met with a more unhappy conjuncture of affairs, than in the buſineſs of that unfortunate Earl; when between my own unſatisfiedneſs in Conſcience, and a neceſſity (as ſome told me) of ſatisfying the importunities of ſome people; I was perſwaded by thoſe, that I think wiſhed me well, to chuſe rather what was ſafe, than what ſeemed juſt: preferring the outward peace of my Kingdoms with men, before that inward exactneſs of Conſcience before God.

And indeed, I am ſo far from excuſing or denying that complyance on my part (for plenary conſent it was not) to his deſtruction, whom in my judgment I thought not, by any clear Law, guilty of death; that I never did bear any touch of Conſcience with greater regret: which, as a ſign of my repentance, I have often with ſorrow confeſſed, both to God and Men, as an Act of ſo ſinful frailty, that it diſcovered more a fear of man, than of God, whoſe Name and Place on Earth no man is worthy to bear, who will avoid inconveniencies of State, by Acts of ſo high injuſtice, as no publick convenience can expiate or compenſate.

I ſee it a bad exchange to wound a mans own Conſcience, thereby to ſalve State ſores; to calm the ſtorms of popular diſcontents, by ſtirring up a Tempeſt in a mans own boſom.

Nor hath Gods Juſtice failed in the event and ſad conſequences, to ſhew the World the fallacy of that Maxim, Better one man periſh (though unjuſtly) than the people be diſpleaſed or deſtroyed.

For, in all likelihood, I could never have ſuffered with my people, greater calamities (yet with greater comfort) had I vindicated Strafford's *innocency, at leaſt by denying to Sign that deſtructive Bill, according to that Juſtice which my Conſcience ſuggeſted to me, then I have done ſince I gratified ſome mens unthankful importunities with ſo cruel a favour; and I have obſerved, that thoſe, who counſell'd me to Sign that Bill, have been ſo far* *from receiving the rewards of ſuch ingratiatings with the People, that no men have been haraſſed and cruſhed more than they: he only hath been leaſt vexed by them, who counſelled me, not to conſent againſt the Vote of my own Conſcience; I hope God hath forgiven me and them the ſinful raſhneſs of that buſineſs.*

To which, being in my Soul ſo fully Conſcious, thoſe Judgments God hath pleaſed to ſend upon me, are ſo much the more welcome, as a means (I hope) which his mercy hath ſanctified ſo to me, as to make me repent of that unjuſt Act (for ſo it was to me) and for the future to teach me, that the beſt rule of policy is to prefer the doing of Juſtice before all enjoyments, and the peace of my Conſcience, before the preſervation of my Kingdoms.

Nor hath any thing more fortified my reſolutions, againſt all thoſe violent importunities, which ſince have ſought to gain a like conſent from me, to Acts, wherein my Conſcience is unſatisfied, than the ſharp touches I have had for what paſſed me, in my Lord of Straffords *buſineſs.*

Not that I reſolved to have employed him in my affairs, againſt the advice of my Parliament; but I would not have had any hand in his death, of whoſe guiltineſs I was better aſſured, than any man living could be.

Nor were the crimes objected againſt him ſo clear, as after a long and fair hearing, to give convincing ſatisfaction to the major part of both Houſes; eſpecially that of the Lords, of whom ſcarce a third part were preſent, when the Bill paſſed that Houſe: And for the Houſe of Commons, many Gentlemen diſpoſed enough to diminiſh my Lord of Strafford's *Greatneſs and Power, yet unſatisfied of his Guilt in Law, durſt not condemn him to dye: who for their integrity in their Votes, were, by poſting their Names, expoſed to the popular Calumny, Hatred, and Fury, which grew then ſo exorbitant in their clamors for* Juſtice, *(That is, to have both my ſelf, and the Two Houſes Vote, and do as they would have us) that many ('tis thought) were rather terrified to concur with the condemning party, than ſatisfied, that of right they ought ſo to do.*

And that after Act, vacating the Authority of the precedent, for future imitation, ſufficiently tells the world, that ſome remorſe touched even his moſt implacable Enemies, as knowing he had very hard meaſure, and ſuch as they would be very loath ſhould be repeated to themſelves.

This tenderneſs and regret I find in my Soul, for having had any hand, and that very unwillingly God knows, in the ſhedding one mans Blood unjuſtly (though under the colour of the Formalities of Juſtice and pretences of avoiding publick Miſchiefs) which may I hope be ſome Evidence before God and Man, to all Poſterity, that I am far from bearing juſtly the vaſt load and guilt of all that blood which hath been ſhed in this unhappy War; which ſome men will needs charge upon me, to eaſe their own Souls, who am and ever ſhall be more afraid to take away any mans life unjuſtly, than to loſe my own.

Nor was this all, for beſides what he ſaid at his own Death he acquainted Doctor *Shelden*, afterwards Archbiſhop of *Canterbury*, with his Reſolution, if ever he was in a Condition to perform his Vows, of which this was one, To do publick Pennance for the injuſtice he had ſuffered to be done to the Earl of *Strafford*, as may at large be ſeen in his Life written by Dr. *Perinchief, fol.* 119.

Nothing was ſounded in the Kings Ears but Fears, Terrors, and Threatnings of Worſe and Worſe, Tumults and Rebellions from every quarter of the City and every corner of the Kingdom; and indeed the King who had ſeen the effects of them both in *Scotland* and *England*, could not but have very terrible apprehenſions of them. At laſt having wraſtled him breathleſs, he was vanquiſhed by Importunity and neceſſity, and yielded to the Paſſing of theſe two Fatal Bills by Commiſſion, the one for the Earl's, and the other as it proved in the Event, for his own Execution.

Monday, *May* 10. Bill of Attainder paſſed by Commiſſion.

Upon *Monday May* the 10*th*, Mr. *Maxwell* Gentleman-Uſher to the Lords, came to acquaint the Commons with the good news that His Majeſties Aſſent to the two Bills was to be given by Commiſſion, and that their Lordſhips did expect Mr. *Speaker* and the Houſe of Commons to come up. It ſeems the Gentleman was ſomething tranſported, as ſure all the world was out of their wits, for he came without the Black Rod, and entred without being called in, at which there was Exceptions taken; but the News he brought was ſo agreeable, that the tranſport of it, did him the favour to take off the Reſentments of the Houſe, who at another time would not have pocketted up ſuch an affront with ſilence.

The manner of paſſing Bills by Commiſſion.

The Commiſſion was granted under the *Great-Seal* of *England* directed unto the Lord *Privy-Seal*, Lord Great *Chamberlain*, Lord *Steward*, or any two of them for paſſing the Royal Aſſent to two Bills, the one intituled, An Act of Attainder of *Thomas* Earl of *Strafford* of High-Treaſon, the other, An Act to prevent the Inconveniencies which may happen by the untimely Adjourning, Proroguing or Diſſolving of this preſent Parliament. The Lords being all in their Robes, and the Commiſſioners ſate upon a Form ſtanding acroſs the Houſe between the Chair of State and the Lord *Keeper*'s Woolſack, and the Houſe of Commons with their *Speaker* being come up, the Clerk of the Parliament delivered the Commiſſion whereunto the Bills were annexed, upon his knee. Then the Lord *Privy-Seal* declared to both Houſes, that his Majeſty had an intent to have come himſelf this Day to have given his Royal Aſſent to theſe two Bills, but ſome important Occaſions had prevented him, and ſo his Majeſty had granted a Commiſſion for giving the Royal Aſſent, which was delivered to the Clerk of the Parliament who carried it to his Table and read it, this being done the Clerk of the Crown read the Titles of the Bills, and the Clerk of the Parliament pronounced the Royal Aſſent to them both ſeverally. The Bill of Attainder was as follows,

The Bill of Attainder againſt the Earl of *Strafford* paſſed *May* the 10*th*.

WHereas the Knights, Citizens, and Burgeſſes of the Houſe of Commons, in this preſent Parliament aſſembled, have in the name of themſelves, and of all the Commons of England, *impeached* Thomas *Earl of* Strafford *of High-Treaſon, for endeavouring to ſubvert the ancient and Fundamental Laws and Government of his Majeſties Realms of* England *and* Ireland, *and to introduce an Arbitrary and Tyrannical Government againſt Law in the ſaid Kingdoms; and for exerciſing a Tyrannous and exorbitant power, over and againſt the Laws of the ſaid Kingdoms, over the Liberties, Eſtates, and Lives of his Majeſties Subjects; and likewiſe for having by his own Authority, commanded the laying and aſſeiſing of Soldiers upon his Majeſties Subjects in* Ireland, *againſt their conſents, to compel them to obey his unlawful Commands and Orders made upon Paper-Petitions, in cauſes between Party and Party, which accordingly was executed upon divers of his Majeſties Subjects in a Warlike manner, within the ſaid Realm* *of* Ireland; *and in ſo doing, did levy War againſt the Kings Majeſty and his liege people in that Kingdom; And alſo for that he upon the unhappy Diſſolution of the laſt Parliament, did ſlander the Houſe of Commons to his Majeſty, and did counſel and adviſe his Majeſty, that he was looſe and abſolved from the rules of Government, and that he had an Army in* Ireland, *by which he might reduce this Kingdom; for which he deſerves to undergo the pains and forfeitures of High-Treaſon.*

And the ſaid Earl hath been alſo an incendiary of the Wars between the two Kingdoms of England *and* Scotland: *all which offences have been ſufficiently proved againſt the ſaid Earl upon his impeachment.*

Be it therefore enacted by the Kings moſt excellent Majeſty, and by the Lords and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Earl of Strafford *for the haynous crimes and offences aforeſaid, ſtand, and be adjudged and attainted of High-Treaſon, and ſhall ſuffer ſuch pain of Death, and incur the forfeitures of his Goods, and Chattels, Lands, Tenements, and Hereditaments of any eſtate of Free-hold or Inheritance in the ſaid Kingdoms of* England *and* Ireland, *which the ſaid Earl, or any other to his uſe, or in truſt for him, have or had the day of the firſt ſitting of this preſent Parliament, or at any time ſince.*

Provided that no Judge or Judges, Juſtice or Juſtices whatſoever, ſhall adjudge or interpret any Act or thing to be Treaſon, nor in any other manner than he or they ſhould or ought to have done before the making of this Act, and as if this Act had never been had or made. Saving alwayes unto all and ſingular perſons and bodies, politick and corporal, their Heirs and Succeſſors, others than the ſaid Earl and his Heirs, and ſuch as claim by, from, or under him, all ſuch right, title, and intereſt, of, in, and to all and ſingular, ſuch of the ſaid Lands, Tenements, and Hereditaments as he, they, or any of them, had before the firſt day of this preſent Parliament, any thing herein contained to the contrary notwithſtanding.

Provided that the paſſing of this preſent Act, and his Majeſties Aſſent thereunto, ſhall not be any determination of this preſent Seſſions of Parliament, but that this preſent Seſſions of Parliament and all Bills and matter whatſoever depending in Parliament, and not fully enacted or determined. And all Statutes and Acts of Parliament, which have their continuance until the end of this preſent Seſſion of Parliament, ſhall remain, continue, and be in full force, as if this Act had not been.

The Earl underſtanding that the Bill was paſſed, did humbly Petition the Houſe as follows:

The Earl of Strafford's Petition to the Houſe of Peers.

SEeing it is the good Will and Pleaſure of God, that your Petitioner is now ſhortly to pay that Duty which we all owe to our frail Nature; he ſhall in all Chriſtian Patience and Charity conform and ſubmit himſelf to your Juſtice in a comfortable aſſurance of the great hope laid up for us in the Mercy and Merits of our Saviour bleſſed for ever: only he humbly craves to return your Lordſhips moſt humble thanks for your Noble Compaſſion towards thoſe innocent Children, whom now with his laſt bleſſing he muſt commit to the protection of Almighty God, beſeeching your Lordſhips to finiſh his Pious intention towards them, and deſiring that the Reward thereof may be fulfilled in you by him that is able to give above all that we are able ask or think, wherein I truſt the Honourable Houſe of Commons will afford their Chriſtian Aſſiſtance. And ſo beſeeching your Lordſhips charitably to forgive all his

Omiſſions

1641.

Omiſſions and infirmities he doth very heartily and truely recommend your Lordſhips to the Mercies of our Heavenly Father, and that for his goodneſs he may perfect you in every good work, Amen.

Tueſday, May 11.

The next day being *Tueſday May* 11. the King ſent this Paſſionate Letter to the Lords in behalf of the Earl.

The Kings Letter to the Lords concerning the E. of *Strafford*.

My Lords,

I Did yeſterday ſatisfie the Juſtice of the Kingdom, by paſſing the Bill of Attainder againſt the Earl of Strafford; *but Mercy being as inherent and inſeperable to a King as Juſtice, I deſire at this time in ſome meaſure to ſhew that likewiſe, by ſuffering that unfortunate Man to fulfil the Natural Courſe of his Life in a Cloſe Impriſonment; Yet ſo, if ever he make the leaſt offer to eſcape, or offer directly, or indirectly to meddle in any ſort of publick buſineſs, eſpecially with me, either by Meſſage or Letter, it ſhall coſt him his Life, without further Proceſs; This if it may be done without the Diſcontentment of my People, will be an unſpeakable contentment to me; to which end, as in the firſt place, I by this Letter do earneſtly deſire your Approbation, and to endear it more, have choſen him to carry it, that of all your Houſe is moſt dear to me; So I deſire that by a Conference, you will endeavour to give the Houſe of Commons Contentment, aſſuring you that the Exerciſe of Mercy is no more pleaſing to me, than to ſee both Houſes of Parliament Conſent for my ſake, that I ſhould moderate the ſeverity of the Law in ſo important a Caſe.*

I will not ſay, that your Complying with me in this my intended Mercy, ſhall make me more willing, but certainly 'twill make me more Chearful, in Granting your juſt Grievances. But, if no leſs then his Life can ſatisfie my people, I muſt ſay, Fiat Juſtitia. *Thus again, recommending the Conſideration of my Intention to you, I reſt,*

Your unalterable and affectionate Friend,

Whitehall, 11*th of*
May, 1641.

Charles R.

If he muſt dye, it were Charity to Reprieve him till Saturday.

Twelve Lords ſent to the King.

This Letter, all Written with the Kings own Hand, and delivered by the Hand of the Prince, was Read twice in the Houſe, of and after ſerious Conſideration, the Houſe reſolved preſently to ſend 12 of the Peers Meſſengers to the King, humbly to ſignifie, *That neither of the Two Intentions, expreſſed in the Letter, could, with duty in them or without danger to himſelf, his deareſt Conſort the Queen, and all the Young Princes their Children, poſſibly be Adviſed*; all which being done accordingly, and the Reaſons ſhewed to His Majeſty, he ſuffered no more words to come from them: but, out of the fulneſs of His heart, to the obſervance of Juſtice, and for the Contentment of His People, told them, *That what he intended by his Letter was, with an* (if) *if it might be done without Diſcontentment of his People; if that cannot be, I ſay again, the ſame I writ,* Fiat Juſtitia: *My other intention proceeding out of Charity for a few days Reſpite, was upon certain Information, that his Eſtate*

was

1641.

was ſo diſtracted, that it neceſſarily required ſome few dayes for ſettlement thereof.

Whereunto the Lords Anſwered, *Their purpoſe was to be Suitors to his Majeſty, for favour to be ſhewed to his Innocent Children; and if himſelf had made any proviſion for them, the ſame might hold.*

This was well-liking unto his Majeſty, who thereupon departed from the Lords: At his Majeſties parting they offered up into his hands the Letter it ſelf which he had ſent; but He was pleaſed to ſay, *My Lords, What I have written to you, I ſhall be content it be Regiſtred by you in your Houſe; In it you ſee my mind, I hope you will uſe it to my Honour.*

This, upon return of the Lords from the King was preſently Reported to the Houſe by the Lord *Privy-Seal*, and Ordered that theſe Lines ſhould go out with the Kings Letter, if any Copies of the Letter were diſperſed.

The night before his Execution he ſent for the Lieutenant of the *Tower*, and asked him if he might not ſee and ſpeak with my Lord Archbiſhop of *Canterbury*, and being anſwered that he could not permit it without Order from the Parliament, Mr. Lieutenant, ſaid he, you ſhall hear what paſſeth between us, it is not a time for me to Plot Treaſon, or for him to Plot Hereſie; to Which the Lieutenant anſwered, That his Lordſhip might Petition the Parliament for that favour; No, ſaid he, I have gotten my Diſpatch from them, and will trouble them no more; I am now Petitioning an higher Court, where neither Partiality can be expected nor Error feared, but, my Lord, ſaid he, turning to the Primate of *Ireland* then with him, what I would have ſpoken to his Grace of *Canterbury* is this, You ſhall deſire the Archbiſhop to lend me his Prayers this night, and to give me his bleſſing when I go abroad to morrow, and to be in his Window, that by my laſt farewell I may give him thanks for this, and all his other former favours: the Lord Primate immediately did his Meſſage and returned with this Anſwer from my Lord of *Canterbury*, That in Conſcience he was bound to do the firſt, and in duty and obligation to do the laſt, but that he feared his weakneſs and Paſſion would ſcarce lend him Eyes to behold his laſt departure.

Wedneſday, May 12.

And now we come to conduct this Illuſtrious Life to the laſt Scene and Epilogue of his Tragedy, having accoutred his Soul with neceſſary Preparation, he came out of his Chamber, attended by ſeveral Gentlemen and Perſons of Quality, together with the Lieutenant of the *Tower* and the Guards; when he drew near the Archbiſhop's Lodgings, he ſaid to the Lieutenant, Sir though I do not ſee the Archbiſhop, give me leave I pray you to do my laſt obſervance towards his Rooms; but the Archbiſhop being advertized of his coming immediately came to the Window, upon which the Earl bowing himſelf to the Ground ſaid, My Lord, your Prayers and your Bleſſing. The Archbiſhop lifting up his hands gave him both; but unable to ſupport the ſuddain Effort with which a paſſionate Friendſhip, deluged his Soul at that diſmal ſeparation, he ſunk down with grief, as if his great Soul would have forced a Paſſage, to wait upon the Earl's in its paſſage to Eternity; nor will any perſons who bave been touched with the tenderneſs of a real Friendſhip, think this ſo great a Weakneſs as his and the Earls Enemies did endeavour to repreſent it, if they conſider that ſuch a ſeparation carries in it even all that can be thought terrible or afflictive in Death it ſelf. The Earl went a little further, and making a ſecond bow took his laſt Adieu, ſaying, Farewel my Lord, God protect your Innocence.

As he was thus, with a Countenance ſo Serene and Auguſt, more like a General to a Triumph, then a Priſoner to an infamous Scaffold, marching out of the *Tower*, the Lieutenant deſired him to take Coach, leſt the inraged People ſhould fall upon him and tear him in pieces; No, ſaid he, with an Air full of Innocence and Courage, Mr. Lieutenant, I dare look Death in the Face, and I hope the People too; have you a care that I do not Eſcape, and 'tis equal to me how I dye, whether by the ſtroak of the Executioner , or the madneſs and fury of the People; if that may give them better content, it is all one to me.

Being mounted upon the Scaffold, he made his Obeyſances, and began to take his laſt farewell of his Friends, who appeared much more concerned than himſelf, and obſerving his Brother Sir *George Wentworth* to weep exceſſively, Brother ſaid he to him with a chearful briskneſs, what do you ſee in me to deſerve theſe Tears? doth any indecent fear betray in me a Guilt, or my Innocent boldneſs any Atheiſm? think now that you are accompanying me the third time to my Marriage-Bed. Never did I throw off my Clothes with greater freedom and content, then in this preparation to my Grave; That Stock, pointing to the Block, muſt be my Pillow, here ſhall I reſt from all my Labours; No thoughts of Envy, no dreams of Treaſon, Jealouſies or Cares for the King, the State or my ſelf ſhall interrupt this eaſie Sleep, therefore Brother with me pitty thoſe who beſides their Intention have made me happy, Rejoyce in my happineſs, Rejoyce in my Innocence.

Then kneeling down he made this Proteſtation: I hope Gentlemen, you do think that neither the fear of Loſs, nor love of Reputation, will ſuffer me to belye God and mine own Conſcience at this time; I am now in the very door going out, and my next ſtep muſt be from time to Eternity either of Peace or Pain; To clear my ſelf before you all I do here ſolemnly call God to witneſs I am not Guilty, ſo far as I can underſtand, of the great Crime laid to my Charge, nor have ever had the leaſt inclination or Intention to damnifie or prejudice, the King, the State, the Laws, or the Religion of this Kingdom, but with my beſt endeavours to ſerve all and to ſupport all, So may God be merciful to my Soul.

Then riſing up, he ſaid, He deſired to ſpeak ſomething to the People, but was affraid he ſhould be heard by few in regard of the Noiſe, but having firſt fitted himſelf to the Block, and riſing again he thus addreſſed himſelf to the Spectators.

The Earl of *Strafford's* Speech upon the Scaffold, *May* 12.

MY *Lord Primate of* Ireland, *and my Lords, and the reſt of theſe Noble Gentlemen, It is a great Comfort to me to have your Lordſhips by me this day, becauſe I have been known to you a long time, and I now deſire to be heard a few words.*

I come here, my Lords, to pay my laſt Debt to Sin, which is Death; And through the Mercies of God to riſe again to Eternal Glory.

My Lords, If I may uſe a few words, I ſhall take it as a great Courteſie from you; I come here to ſubmit to the Judgment that is paſſed againſt me; I do it with a very quiet and contented Mind; I do freely forgive all the World; a forgiveneſs not from the Teeth outward (as they ſay) but from my heart; I ſpeak in the preſence of Almighty God, before whom I ſtand, that there is not a diſpleaſing thought that ariſeth in me againſt any Man: I thank God I ſay truly, my Conſcience bears me Witneſs, that in all

1641. *the Honour I had to ſerve His Majeſty, I had not any Intention in my heart, but what did aim at the Joynt and Individual proſperity of the King and His People; although it be my ill hap to be miſconſtrued; I am not the firſt Man that hath ſuffered in this kind: It is a Common Portion that befals men in this Life, Righteous Judgment ſhall be hereafter; here we are ſubject to Error, and Miſjudging one another.*

One thing I deſire to be heard in, and do hope, that for Chriſtian Charities ſake I ſhall be believed; I was ſo far from being againſt Parliaments, that I did always think Parliaments in England *to be the happy Conſtitution of the Kingdom and Nation, and the beſt means, under God, to make the King and his People happy: As for my death, I do here acquit all the World, and beſeech God to forgive them; In particular, I am very glad His Majeſty conceives me not meriting ſo ſevere and heavy a puniſhment, as the utmoſt Execution of this Sentence; I do infinitely rejoyce in it, and in that Mercy of His, and do beſeech God to Return Him the ſame, that he may find Mercy when he hath moſt need of it. I wiſh this Kingdom all proſperity and happineſs in the World: I did it Living, and now Dying it is my Wiſh.*

I profeſs heartily my apprehenſion, and do humbly recommend it to you, and wiſh that every Man would lay his hand on his heart, and conſider ſeriouſly, Whether the beginning of the Peoples happineſs ſhould be written in Letters of Blood? *I fear they are in a Wrong Way; I deſire Almighty God, that no one drop of my Blood riſe up in Judgment againſt them; I have but one word more, and that is for my Religion.*

My Lord of Armagh, *I do profeſs my ſelf ſeriouſly, faithfully, and truly to be an obedient Son of the Church of* England; *In that Church I was born and bred, in that Religion I have lived, and now in that I dye; Proſperity and Happineſs be ever to it.*

It hath been ſaid I was inclined to Popery, if it be an Objection worth the anſwering, let me ſay truly from my heart, That ſince I was Twenty one years of age unto this day, going on 49 years, I never had thought or doubt of the truth of this Religion, nor had ever any the boldneſs to ſuggeſt to me the contrary, to my beſt remembrance.

And ſo being reconciled to the Mercies of Jeſus Chriſt my Saviour, into whoſe boſom I hope ſhortly to be gathered, to enjoy Eternal Happineſs, which ſhall never have an end; I deſire heartily to be forgiven of every Man, if any raſh or unadviſed Words or Deeds have paſſed from me; and deſire all your Prayers; and ſo my Lord Farewel; and farewel all things in this World.

The Lord ſtrengthen my Faith, and give me Confidence and Aſſurance in the Merits of Chriſt Jeſus; I truſt in God we ſhall all meet to live Eternally in Heaven, and receive the accompliſhment of all Happineſs, where every Tear ſhall be wiped from our Eyes, and ſad thoughts from our Hearts; and ſo God bleſs this Kingdom, and Jeſus have Mercy on my Soul.

Then turning himſelf about he ſaluted all the Noblemen, and took a ſolemn leave of all conſiderable perſons on the Scaffold, giving them his Hand,

And after that he ſaid, *Gentlemen, I would ſay my Prayers, and I intreat you all to pray with me, and for me:* Then his Chaplain laid the Book of Common-Prayer upon the Chair before him, as he kneeled down, on which he prayed almoſt a quarter of an hour, then he prayed as long or longer without a Book, and ended with the Lords Prayer:

then ſtanding up, he ſpyed his Brother Sir *George Wentworth*, and call'd him to him, and ſaid, *Brother, We muſt part, remember me to my Siſter, and to my Wife, and carry my Bleſſing to my Eldeſt Son, and charge him from me, That he fear God, and continue an Obedient Son of the Church of* England, *and that he approve himſelf a Faithful Subject to the King, and tell him, That he ſhould not have any private Grudge or Revenge towards any concerning Me, and bid him beware to meddle not with Church Livings, for that will prove a Moth and Canker to him in his Eſtate, and wiſh him to content himſelf to be a Servant to his Countrey, as a Juſtice of Peace in his County, not aiming at higher Preferments: Carry my Bleſſing alſo to my Daughter* Ann, *and* Arrabella, *charge them to fear and ſerve God, and he will bleſs them, not forgetting my little Infant, that knows neither good nor evil, and cannot ſpeak for it ſelf, God ſpeak for it, and bleſs it.* Then ſaid he, *I have nigh done; One ſtroke will make my Wife Husbandleſs, my dear Children Fatherleſs, and my poor Servants Maſterleſs, and ſeperate me from my dear Brother, and all my Friends, but let God be to you and them all in all.*

After that, going to take off his Doublet, and to make himſelf unready, he ſaid, *I thank God I am no more afraid of Death, nor daunted with any diſcouragements ariſing from any fears, but do as chearfully put off my Doublet at this time, as ever I did when I went to Bed.* Then he put off his Doublet, and wound up his Hair with his Hands, and put on a white Cap.

Then he called, *Where is the man that ſhould do this laſt Office?* (meaning the Executioner) *call him to me*: When he came and ask'd him forgiveneſs, he told him, *he forgave him and all the World*; Then kneeling down by the Block, he went to Prayer again himſelf, the Biſhop of *Armagh* kneeling on the one ſide, and the Miniſter on the other; to the which Miniſter after Prayer he turned himſelf, and ſpoke ſome few words ſoftly, having his Hands lifted up, the Miniſter cloſed his Hands with his; then bowing himſelf to the Earth, to lay down his Head on the Block, he told the Executioner, *That he would firſt lay down his Head to try the fitneſs of the Block, and take it up again, before he laid it down for good and all*; and ſo he did; and before he laid it down again, he told the Executioner, *That he would give him warning when to ſtrike, by ſtretching forth his Hands*; and then laid down his Neck on the Block, ſtretching out his Hands, the Executioner ſtruck off his Head at one blow, then took the Head up in his Hand, and ſhewed it to all the People, and ſaid; *God Save the King.*

A Copy of the Paper containing the Heads of the Lord *Strafford*'s laſt Speech, written by his own Hand, as it was left upon the Scaffold.

1. I *Come to pay the laſt Debt we owe to Sin.*
2. I *Riſe to Righteouſneſs.*
3. *Dye willingly.*
4. *Forgive all.*
5. *Submit to what is Voted Juſtice, but my intentions Innocent from Subverting,*&c.

6. *Wiſhing nothing more than great Proſperity to King and People.*
7. *Acquit the King conſtrained.*
8. *Beſeech to Repent.*
9. *Strange way to write the beginning of Reformation, and Settlement of a Kingdom in Blood on themſelves.*
10. *Beſeech that Demand may reſt there.*
11. *Call not Blood on themſelves.*
12. *Dye in the Faith of the Church.*
13. *Pray for it, and deſire their Prayers with me.*

His Body was afterwards Embalmed and Carried down into *Yorkſhire* to be buried among his Anceſtors.

Thus fell the Wonder of that Age, and of all ſucceeding, of whom I think a Greater Character cannot be given than thoſe in ſhort of the Archbiſhop of *Canterbury* who knew him beſt, and the Primate of *Ireland* who ſaw him Dye.

The Archbiſhop diſcourſing with Dr. *Whimberley* concerning that Paſſage at their parting, ſaid, That perhaps it was a ſoftneſs unbecoming him, but he hoped by Gods Aſſiſtance and his own Innocence, that when he ſhould come to his own Execution, which he Expected, the World ſhould perceive, that he had been more ſenſible of the Earl of *Strafford*'s Loſs than of his own, and with good reaſon he ſaid, for that Gentleman was more Serviceable to the Church, not to mention the State, then either himſelf or all the Church-men of *England* had been.

And the Lord Primate of *Ireland* giving an account to the King of the manner of his Death, told him, *That he had ſeen many Die, but never ſaw ſo White a Soul return to its Maker*: At which Expreſſion that Good and Compaſſionate Prince was ſo tenderly touched, that turning himſelf aſide, he could not forbear paying the ſad Tribute of ſome Tears to the Innocent *Manes* of the Illuſtrious Sufferer.

He left theſe Three Inſtructions to his Son in Writing.

Firſt, That he ſhould continue ſtill to be brought up under thoſe Governors to whoſe Charge he had committed him, as being the beſt he could chuſe of all thoſe within his Knowledg, and that he ſhould not change them, unleſs they were weary of him; that he ſhould rather want himſelf, than they ſhould want any thing they could deſire.

Secondly, If his Prince ſhould call him to Publique Service, that he ſhould carefully undertake it, to teſtifie his Obedience, and withal to be Faithful and Sincere to his Maſter, though he ſhould come to the ſame End that himſelf did.

Thirdly, That he foreſaw, that Ruin was like to come upon the Revenues of the Church, and that perhaps they might be ſhared among the Nobility and Gentry; but charged him never to meddle with any of it; for the Curſe of God would follow all them that meddle with ſuch a thing that tends to the deſtruction of the moſt Apoſtolical Church upon Earth.

Thus lay his Innocence aſleep with his injured Aſhes, till together with Monarchy and Epiſcopacy, it received a Reſurrection at the Happy Reſtauration of his Moſt Serene Majeſtie King *Charles* the Second, when by publique Act of Parliament publique Juſtice was done to his Memory and the Injuſtice of his Sufferings. The Act was as follows.

The Act for Reverſing the Attainder of *Thomas* Earl of *Strafford*.

Whereas Thomas late Earl of Strafford, was impeached of High-Treaſon, upon pretence of endeavouring to ſubvert the Fundamental Laws, and called to a publick and ſolemn Arraignment, and Tryal before the Peers in Parliament, where he made a particular Defence to every Article objected againſt him: inſomuch that the turbulent party then ſeeing no hopes to effect their unjuſt Deſigns, by any ordinary way and method of Proceedings, did at laſt reſolve to attempt the Deſtruction and Attainder of the ſaid Earl, by an Act of Parliament, to be therefore purpoſely made to condemn him upon accumulative Treaſon, none of the pretended crimes being Treaſon apart, and ſo could not be in the whole, if they had been proved as they were not, and alſo adjudged him guilty of Conſtructive Treaſon (that is, of Levying War againſt the King) though it was only the Order of the Council-Board in Ireland, to be executed by a Sergeant at Arms, and three or four Soldiers, which was the conſtant practiſe of the Deputies there for a long time: To the which end, they having firſt preſented a Bill for this intent, to the Houſe of Commons, and finding there more oppoſition than they expected, they cauſed a multitude of tumultuous perſons to come down to Weſtminſter, armed with Swords and Staves, and to fill both the Palace-yards, and all the approaches to both Houſes of Parliament, with Fury and Clamor, and to require Juſtice, ſpeedy Juſtice againſt the Earl of Strafford; and having by thoſe and other undue practiſes, obtained that Bill to paſs the Houſe of Commons, they cauſed the Names of thoſe reſolute Gentlemen, who in a Caſe of innocent Blood, had freely diſcharged their Conſciences, being Fifty nine, to be poſted up in ſeveral places about the Cities of London and Weſtminſter, and ſtiled them Straffordians and Enemies to their Countrey, hoping thereby to deliver them up to the fury of the People, whom they had endeavoured to incenſe againſt them, and then procured the ſaid Bill to be ſent up to the Houſe of Peers: where it having ſome time reſted under great deliberation; at laſt, in a time, when a great part of the Peers were abſent, by reaſon of the tumults, and many of thoſe who were preſent, proteſted againſt it, the ſaid Bill paſſed the Houſe of Peers; and at length His Majeſty, the late King CHARLES the I. of Glorious Memory, granted a Commiſſion for giving His Royal Aſſent thereunto, which neverthele ſs was done by His ſaid Majeſty, with exceeding great ſorrow then, and ever remembred by him with unexpreſſible grief of Heart, and out of His Majeſties great Piety, he did publickly expreſs it, when His own Sacred Life was taken away by the moſt deteſtable Traytors that ever were.

For all which Cauſes be it Declared and Enacted by the Kings moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, That the Act Entituled, An Act for the Attainder of *Thomas* Earl of *Strafford* of High-Treaſon, and all and every Clauſe, and Article, and thing therein contained, being obtained as aforeſaid, is now hereby Repealed, Revoked, and Reverſed.

1641. And to the end that Right be done to the Memory of the deceaſed Earl of Strafford aforeſaid; Be it further Enacted, That all Records and Proceedings of Parliament, relating to the ſaid Attainder, be wholly Cancell'd, and taken off the File, or otherwiſe Defaced, and Obliterated, to the intent, the ſame may not be viſible in after-ages, or brought into example, to the prejudice of any perſon whatſoever.

Provided, That this Act ſhall not extend to the future queſtioning of any perſon or perſons, however concerned in this buſineſs, or who had any hand in the Tumults, or diſorderly procuring the Act aforeſaid, Any thing herein contained to the contrary thereof notwithſtanding.

May his, and all the Innocent Blood that was ſhed after it, for ever ſleep, and not like the Souls under the Altar call out, *Quouſq; Domine*, crying for Vengeance upon this Nation.

The Poets of the Age were not wanting to Embalm the Memory of ſo great a *Mecænas* with Elegies and Epitaphs, though ſuch was the little Envy of his Enemies, that they did not only ſuppreſs but puniſh the Printers and Publiſhers of them, one *Holmer* being clapt up in the *Gate-Houſe* by a Vote of the Commons, for Printing Scandalous Verſes upon the Earl of *Strafford*. Among the reſt *Cleveland* then great in Reputation, beſtowed theſe 2 Epitaphs upon this Noble Earl.

Epitaph upon the Earl of *Strafford*.

Here lies Wiſe and Valiant Duſt,
Huddled up 'twixt fit and juſt.
Strafford *who was hurried hence*
'Twixt Treaſon and Convenience.
He ſpent his time here in a Miſt,
A Papiſt, yet a Calviniſt.
His Princes neareſt Joy and Grief:
He had, yet wanted, all Relief.
The Prop and Ruin of the State,
The Peoples violent Love and Hate.
One in extremes lov'd and abhorr'd,
Riddles lye here. And in a word,
Here lies Blood, and let it lye,
Speechleſs ſtill and never cry.

Epitaphium *Thomæ* Comitis *Straffordii*, &c.

Exurge Cinis, tuumque ſolus qui potis es, ſcribe Epitaphium,
Nequit Wentworthi *non eſſe facundus, vel Cinis,*
Effare marmor, & quem cepiſti comprehendere
Macte & exprimere.
Candidius meretur Vrna, quam quod rubris
Notatum eſt literis, Eloquium.
Atlas Regiminis Monarchici hic jacet laſſus;
Secunda Orbis Britannici Intelligentia;
Rex Politiæ & Prorex Hiberniæ;
Straffordii *& Virtutum Comes;*
Mens Jovis, Mercurii ingenium, & lingua Apollinis,
Cui Anglia Hiberniam debuit, ſeipſam Hibernia;

Sydus Aquilonicum; quo ſub rubicunda veſpera occidente
Nox ſimul & dies viſa eſt; dextroque oculo flevit
lævoque lætata eſt Anglia.
Theatrum Honoris, itemque ſcena calamitoſa Virtutis;
Actoribus, morbo, morte, & invidia,
Quæ ternis animoſa Regnis, non vicit tamen
Sed oppreſſit.
Sic inclinavit Heros (non minus) caput
Belluæ (vel ſic) multorum Capitum;
Merces furoris Scotici, præter pecunias.
Erubuit ut tetegit ſecuris,
Similem quippe nunquam deguſtavit ſanguinem.
Monſtrum narro; fuit tam infenſus legibus
Vt prius legem quam nata foret violavit;
Hunc tamen non ſuſtulit lex
Verùm neceſſitas non habens legem.
Abi Viator,
Cætera memorabunt poſteri.

Which for their ſakes who underſtand not the Language, I have thus Tranſlated into Engliſh, though not without loſs to many of thoſe Beauties and Graces which are ſo peculiar to the Latin, as not to be expreſſed in our Language.

An Epitaph upon *Thomas* Earl of *Strafford*, &c.

Riſe Noble Duſt,
Thou only canſt unto thy ſelf be juſt;
Write thine own Epitaph, ſpeak thy wonted ſence,
Great Wentworth's *Aſhes can't want Eloquence.*
Although his Innocence deſerves an Elegy
Whiter then Redſtreak Marble can ſupply,
Yet weeping Marble tell,
Who does beneath thee dwell.
The Atlas *of Monarchique State lies here*
The ſecond Mover of Great Britains *Sphere,*
The King of Politiques, Irelands *Deputy,*
And in a word,
Of Strafford *and of Virtue, the Illuſtrious Lord,*
Does underneath this Marble breathleſs lye.
The mighty Jove *did his great mind beſtow,*
and nimble Mercury *his Wit,*
Apollo *on his Tongue did ſit,*
Ireland *her ſelf,* England *to him did* Ireland *owe.*
Bright Northern Star!
When in a Bloody Cloud he ſet,
Night and Day together met,
England *did ſeem of her right Eye bereft,*
To weep, and laugh untowardly with what was left.
The Scene of Honour, and the fatal Stage
Of Virtuous and Diſtreſſed Innocence,
The Actors Envy and Three Kingdoms rage
(againſt them what Defence?)

Oppreſt but yet not overcome he ſtood,
Unconquered ſtill, and met the Rolling Flood;
Thus the Illuſtrious Hero bow'd
(For ſuch he was at leaſt)
He bow'd his Noble Head unto the Beaſt
Of many Heads, the Croud;
Into the Bargain thrown
Of ready Money then paid down,
To Scottiſh *Traytors to Invade the Crown.*
The bluſhing Ax amazed ſtood,
It nere before had drunk ſuch Blood!
A wonderous thing I tell
Illuſtrious Strafford *fell*
Obnoxious to the Law, ſtrange Crime!
Before the Law was made to puniſh him.
How Strafford *dy'd then would you know?*
Lawleſs Neceſſity gave the Fatal blow.
Paſs on O Traveller, wee'd beſt
Here leave him, and Poſterity to weep the Reſt.

It will poſſibly be ſome ſatisfaction to the Curioſity of the Reader, to ſee thoſe Papers of Sir *Henry Vane*'s, which ſeem to have been of ſuch conſiderable import, as to have caſt the Beam in the Fate of this great Perſon, and indeed I had done it in its proper place had thoſe Papers then come to my hands; but however better late then not at all; and if they contribute to the ſatisfaction of the Inquiſitive, they are to ow the Obligation, as upon all occaſions I ſhall do, to the kindneſs of the Right Honourable Sir *Francis North*, Late Lord Chief Juſtice of the *Common-Pleas*, and now Lord-Keeper of the Great Seal of *England*; who was pleaſed to furniſh me with a Tranſcript of ſome Memoirs of the late Earl of *Mancheſter*'s, the Originals being written with the ſaid Earls own hand, and therefore in his own words take the following account of that Affair.

An account of Sir *Henry Vanes* Notes ſo fatal to the Earl of *Strafford*.

“WHen the King had Diſſolved the Parliament in *April*, 1640. He committed the management of his greateſt concernments to certain Lords of his Council, who were called the Juncto. At this Table Sir *Henry Vane* as Secretary of State was preſent, and had taken ſome rude and imperfect Notes of ſuch Speeches as thoſe Lords had ſeverally delivered to the King by way of Debate; whether he Tranſcribed thoſe Notes is uncertain; yet his great care in keeping them, makes it more then probable he deſigned to have ſomething in readineſs if an occaſion ſhould be offered that might turn to the Earl of *Strafford*'s prejudice, againſt whom he had a private hatred, the Earl having obtained from the King the Title of *Raby* for his Barony, which was the hereditary poſſeſſion of Sir *Henry Vane* (though by Gift from the King.)

“But this Grudge lay concealed, leſt the intended Revenge againſt the Earl ſhould not take Effect in the proper ſeaſon, for if Sir *Henry Vane*'s Malice had been profeſſed, the Earl of *Strafford*'s Power would eaſily have diſordered and diſappointed all his oppoſite Attempts. Theſe Notes were therefore laid up in his Cabinet, till he found the differences betwixt the King and his Subjects of *Scotland*, “to be in a fair way of compoſure, and then he thought it the fitteſt time to diſcover thoſe private Councils, and engage the Lords and Commons when ever they met in Parliament to an irreconcilable hatred againſt him.

“But his fears were great in owning himſelf as an Informer or Accuſer, leſt he ſhould loſe the Place and Favour which he held in Court, and be looked upon by the King as a Perjur'd Councellor, a falſe and unworthy Servant. Yet he thought it might prove unſafe and unſucceſsful to imploy a Stranger in a buſineſs of ſo great Concernment to him; he therefore reſolves to improve his Malice and Subtilty by one, whom nature had made his living Copy, and he takes ſuch a Courſe as might caſt the blemiſh upon his Son, yet gain the means of that Revenge which he deſigned.

“He was then in a Treaty of Marriage for his Son, with the Daughter of Sir *Chriſtopher Wray*, and being called upon to produce the chief Writings of his Eſtate, he being then at his Country Houſe in *Kent*, gave his Son the Keys of his Cabinet at *Whitehall*, and directed him to ſuch a Drawer were he ſhould find thoſe Writings which were deſired; but no ſooner had his Son opened the Cabinet and the Drawer according to his Fathers directions, but he found a Paper with this Indorſment. *Notes taken at the Juncto.* This Paper, either from his own Curioſity or his Fathers Direction he opens and reads; and having a particular Acquaintance with Mr. *Pym*, he repairs to him with great Expreſſions of a troubled Mind, not knowing what way to ſteer himſelf betwixt the Diſcharge of his Duty to the Common-wealth and his faithfulneſs to his Father.

“Mr. *Pym* endeavoured to anſwer his Scruples, and having peruſed the Paper, he found many Expreſſions of dangerous conſequence; he therefore took a Copy of thoſe Notes for his own uſe, but when the Parliament met, he reſolved to make uſe of them for the Service of the Publique; and aſſured Mr. *Vane*, that all tender care ſhould be had of his Reputation, and of his Fathers ſecurity, and that his name ſhould not be made uſe of as the Author of this Information, unleſs it ſhould appear to him to be of abſolute neceſſity to avow the Diſcovery of it. For theſe reaſons the cloſe Committee was deſired; preparatory Examinations were contrived, that the truth of theſe Counſels and Advices delivered to the King by the Earl of *Strafford* might have been gained from the Confeſſion of thoſe Lords which were preſent at the Debates.

“Upon this deſire of the Houſe of Commons the Lords declared that no Examination ought to be taken before the particular Charge againſt the Earl of *Strafford* were given in, and that they underſtood the deſire of the Houſe of Commons in no other ſence, and therefore they Ordered, That for that time and in that caſe, all the Peers ſhould be Examined upon Oath as Witneſſes, and that the Aſſiſtants ſhould likewiſe be Examined upon Oath, if it were required; and that they would endeavour with their beſt care to have the buſineſs kept ſecret, and that ſuch of the Houſe of Commons as ſhould be made choice of, might be preſent at the taking ſuch Preparatory Examinations as ſhould be deſired by them for perfecting of the Charge againſt the Earl of *Strafford*.

1641.

Sir *Henry Vane's* **Notes taken at the Juncto.**

Sir *Henry Vane*'s Papers the *5th* of *May*, 1640.

L. L. Ireland.

No danger in undertaking the War, whether the Scots *are to be reduced or not?*

To reduce them by force, as the State of this Kingdom ſtands.

If his Majeſty had not declared himſelf ſo ſoon, he would have declared himſelf for no War with Scotland. *They would have given him plentifully.*

The City to be called immediately and quickned to lend One Hundred Thouſand Pounds.

The Shipping Money to be put vigorouſly upon Collection, thoſe two ways will furniſh his Majeſty plentifully to go on with Arms and War againſt Scotland.

The manner of the War.

Stopping of the Trade of Scotland *no prejudice to the Trade free with* England *for Cattel.*

A Defenſive War totally againſt it.

Offenſive War into the Kingdom, His Opinion, few Months will make an end of the War, do you invade them.

Lord Archbiſhop.

L. Arch.

If no more Money then propoſed, how then to make an Offenſive War a difficulty.

Whether to do nothing and let them alone, or to go on with a vigorous War.

L. L. Ireland.

Go vigorouſly on, or let them alone, no Defenſive War, loſs of Honour or Reputation, the quiet of England *will hold out long, you will languiſh as between* Saul *and* David.

Go on with an Offenſive War as you firſt deſigned, looſed and abſolved from all Rules of Government.

Being reduced to extreme neceſſity, every thing is to be done as power will admit, and that you are to do.

They refuſed, you are acquitted toward God and Man. You have an Army in Ireland *you may imploy here to reduce this Kingdom.*

Confident as any thing under Heaven, Scotland *will not hold out Five Months, one Summer well imployed will do it, venture all I had, I would carry it or loſe it.*

Whether a Defenſive War as impoſſible as an Offenſive War! or whether to let them alone.

L. Arch.

Tryed all ways and refuſed all ways. By the law of God you ſhould have ſubſiſtence, and ought to have, and lawful to take it.

Lord. Cott.

L. Cott.

Leagues abroad they make and will, and therefore the defence of this Kingdom.

The

May, 1641.

The Lower Houſe are weary both of King and Church.

It always hath been juſt to raiſe Moneys by this unavoidable Neceſſity, therefore to be uſed being lawful.

L. L. Ireland.

Commiſſion of Array to be put in Execution.

They are to bring them to the Borders.

In reaſon of State you have power when they are there to uſe them at the King's Pay; if any of the Lords can ſhew a better let them do it.

Town full of Nobility, who will talk of it, he will make them ſmart for it.

Obſer.

Thus did Ambition and private Revenge diſguiſe themſelves under the popular pretence of publique Juſtice and tenderneſs for the ſafety of the Common-wealth. The truth is, Power and Greatneſs do always render the Great Miniſters of State Criminals to Malice and Envy; and of this, I will give two remarkable Inſtances out of the above mentioned Memoirs of the Earl of *Mancheſter*.

The reaſon why the Marqueſs *Hamilton* and the Lord *Cottington* eſcaped the fury of the Faction.

“When, ſaith he, ſtrickt Scrutiny was made into the Councils and Actions of thoſe who were in greateſt Power and Credit with the King, divers of the Privy-Council, moſt of the Judges, came under the Debate of a Capital or Criminal Impeachment, and the very Order of Epiſcopacy with all its Hierarchy, incurred the Odium of Superſtitious Pride and Oppreſſion. But they who were looked upon as the principal Inſtruments of thoſe Miſchiefs, which threatned the Ruine of the Three Kingdoms of *England*, *Scotland* and *Ireland* were, the Archbiſhop of *Canterbury*, the Earl of *Strafford*, the Marquiſs *Hamilton*, and the Lord *Cottington*, theſe were of the Juncto where all things of conſequence and privacy had been conſulted and reſolved, and theſe were deſigned firſt to be queſtioned.

“But the Marquiſs *Hamilton* ſeeing a dark Cloud gathering over his head, thought it neceſſary to ſeek a timely Shelter, and upon conſultation with his Friends about the moſt probable way for preventing of the Clamour of the Commons which might prove a fatal Vote againſt him, he was adviſed to improve his Intereſt in the Commiſſioners of *Scotland*; for he had perſonally obliged ſome of them, and the reſt could not but acknowledge that he had Expreſſed a great care of his Nations happineſs in all thoſe imployments wherein he had been truſted by his Majeſty; for though he often ſhewed a great Averſion and activeneſs againſt them in their Cauſe and Quarrel, yet in all their Extremities they found him a Friend intending their good: He therefore preſſed them to intercede for him, which they did with earneſt ſolicitations. They likewiſe gave ſuch Engagements for his future Compliance with the Parliaments Deſigns, as he was not only Exempt from all fear of Accuſation, but he became a Confident in all their private Deſigns againſt others, and employed his Credit with the King for the obtaining many and great conceſſions.

“The Lord *Cottington* could not hope for ſo powerful an interceſſion, neither durſt he rely on his Innocency as Parliament-proof; therefore he had recourſe to that prudent if not ſubtle way, by ſtripping himſelf of his Skin to ſave his life. He knew the Maſterſhip of

May, 1641.

“ the Wards was a place of that value and power as probably it might “ ſtop the Mouths of his greedy Enemies, or elſe open the hearts of ſome “ towards him, in a way of Protection and Friendſhip; He therefore “ declared to the King his condition, and propounded the making the “ Lord Viſcount *Say* and *Seal* to be his Succeſſor. This proved a very “ ſucceſsful policy, for as ſoon as this was made known to thoſe who “ were concerned in their hopes of his place, all Criminal Aſperſions “ were laid aſide, and he gained the advantage of a retired and quiet “ being.

Thus far the ſaid Earl in his Memoirs, who was no Stranger to the moſt private tranſactions of thoſe perſons and times.

The Fall of this lofty *Cedar* gave not only a general conſternation to all the Kings Friends, but the greateſt encouragement imaginable to the whole Faction; who could not diſſemble their ſatisfaction at their having gained ſo important a point, but that it boyled over at the Mouths of the leſs cautious and more warm of the Party; inſomuch that I have heard one who was inwardly acquainted among them affirm, that one of them, as I think Mr. *Pym*, was heard to boaſt of their ſucceſs in words to this effect, *Have we*, ſaith he, ſpeaking of the Kings paſſing the Bill of Attainder againſt the Earl of *Strafford*, *got him to part with* Strafford? *then he can deny us nothing.*

And certainly nothing could be of greater diſadvantage to his Majeſties Affairs, then this ſacrificing a Great Court Favourite, to their Wills rather then to Law or Juſtice; For the whole Nation knew how dear this Great Man was to his Maſter, and the great ſtruglings which the King made, if poſſible to ſave him, and the reluctancy with which he ſeemed to reſign him rather to neceſſity then reaſon, as it made the victory appear greater, ſo it taught all others of the Kings Friends the greatneſs of their danger, and the impoſſibility of ſtemming ſo ſtrong a Torrent, as had wrackt ſo brave a perſon as the Earl of *Strafford*. Nor did they think it any diſparagement when they ſaw the King himſelf ſtoop to ſuch compliances, for them alſo to bend their Necks. And doubtleſs as nothing can more encourage the Servants and Miniſters of any Prince, in circumſtances and difficulties of this nature, than the courage and reſolution of the Prince himſelf, ſo nothing can depreſs their Spirits, comparably to the fear of ſeeing themſelves deſerted and left to the Fury and Rage of their Enemies, for adhering faithfully to, and vigorouſly proſecuting the Intereſts of their Maſter. And had his Majeſty made uſe of his Royal Prerogative and refuſed to Paſs the Fatal Bill, it could not have happened worſe to him then afterwards it did, but it might have proved better; becauſe they were not then in a condition to Levy a Formal War againſt him as afterwards they did, his Majeſty having a very good Army in the *North* to have Oppoſed them, and had the Earl ſaved his, a Noble and Valiant General to have been at the head of them.

But to return to the Parliamentary Affairs, the Tumults were grown ſo inſolent, that his Majeſty being ſenſible of the danger of them, ſent a Meſſage to the Lords about them. Upon which the Lords deſired a Conference with the Commons, the heads of which the Lord *Privy-Seal* delivered as follows.

Conference about the Tumults.

THat he was commanded from the King to declare to both Houſes at a Conference, that the People do aſſemble in ſuch unuſual numbers, that his

Majeſty fears the Council and the Peace of the Kingdom may be interrupted: and therefore as a King that loves Peace, takes care that all Proceedings in the Parliament may be in a fair temperate and peaceable manner. It being now time of Parliament his Majeſty will not of himſelf preſcribe the way, but expects that both Houſes upon mutual Conference will adviſe ſuch a courſe which may beſt preſerve the quietneſs of the Kingdom.

That their Lordſhips Yeſterday morning finding a Multitude in the Palace-Yard, did make an Order, and declared it to Ten of the principal Perſons of them in the open Houſe of Parliament.

That the Houſe of Commons being the Repreſentative Body of the Commons of this Kingdom, who had brought in the Bill againſt the Earl of Strafford, *their Lordſhips thought fit to let them know, that their Lordſhips are going on to the final Concluſion of the great buſineſs concerning the Earl; but are ſo compaſſed with Multitudes that their Lordſhips may be conceived not to be free, unleſs theſe Companies of People be ſent home, whoſe flocking hither doth only hinder their Lordſhips from going on to conclude that great buſineſs.*

And therefore their Lordſhips deſire them to conſider with their Lordſhips, how this buſineſs of ſuch Importance may be firſt expedited and not interrupted by the concourſe of ſuch numbers of People, the buſineſs having no other hindrance but their Concourſe about both Houſes in this manner.

But the Commons had occaſion for the Tumults, and they were not to be diſcouraged, and therefore inſtead of an Anſwer they at another Conference preſent them with the Proteſtation, of which before.

Tueſday May the 4th.

Amidſt all theſe concerns of greater Moment, the Faction was ſtill at leizure not only to affright their Enemies but to encourage their Friends. For on the one ſide, on *Tueſday* the 4*th* of *May*, theſe Votes Paſſed in favour of *John Lilburn* the great and avowed Enemy of Epiſcopacy, for which he had been Sentenced in the Star-Chamber, and upon Mr. *Rouſe*'s reporting of his Caſe to the Houſe;

Votes in favour of *John Lilburn*.

Reſolved &c. That the Sentence in the Star-Chamber given againſt *John Lilburn*, is illegal and againſt the Liberty of the Subject, and alſo bloody, wicked, cruel, barbarous and tyrannical.

Reſolved &c. That Reparation ought to be given to Mr. *John Lilburn* for his Impriſonment, ſuffering and loſs ſuſteined by that illegal Sentence.

And on the other ſide that they might bring the Biſhops under the Popular Odium, Mr. *William Thomas* in a long and ſtudied Speech, which was afterwards Printed and Publiſhed, endeavoured to blacken the whole Order to that Degree, that they might not appear fit to continue Members of Parliament, or indeed fit to live; for having got a taſt of the Blood of *Strafford*, they were now meditating how to make the Ax taſt of the Blood of the Archbiſhop of *Canterbury*, whom the Presbyterians and other Sectaries eſteemed one of their greateſt Enemies. The Speech as I find it Printed is as follows.

Mr. *William Thomas* his Speech againſt Biſhops, *May* the 4*th*, 1641.

“I have formerly ſpoken of the preſent Church Government, by Arch-
“biſhops, Biſhops, &c. Declaring the corruption, and unſoundneſs
“thereof, and how far degenerate, if not contrary to the pure Primi-
“tive Apoſtolical Inſtitution: alſo I have touched a little of the other

“ parts, as how unlawful it was for them to intermeddle in Temporal
“ Affairs, to uſe Civil Power, or to Sit as Judges in any Court, much
“ leſs in the Court of Parliament where they paſs Cenſure, and Judg-
“ ment not only of our Lives and Liberties, but on the Eſtates, and In-
“ heritance, and Blood as of us, ſo of our poſterity: And as this is un-
“ lawful by the Divine Law, ſo by the Canons of the Church; yea of
“ this Church, and Acts of Parliament of this Realm (whereof I ſhall
“ further enlarge my ſelf in my enſuing diſcourſe:) ſo hath their
“ Sitting there been prejudicial and obnoxious to Kings, and Subjects.
“ Now I deſire briefly to declare when and how the Biſhops came to be
“ Members in the Parliaments in the Houſe of the Lords, and by what
“ means they continued their Sitting there; becauſe preſcription is much
“ inſiſted upon; Although long uſage (as King *James* truly delivereth)
“ confirmeth no Right, (if unlawful originally, or at convenient
“ times interrupted.) And whereas it hath been demanded why the
“ firſt of our Reaſons, *viz.* That it hindereth Eccleſiaſtical Vocation,
“ was not urged 600 years ago. I anſwer, there was then no cauſe;
“ for the firſt beginning of Parliaments was not 74 years after. But if
“ this had been delivered of the lawfulneſs and conveniency of their
“ intermedling in Temporal Affairs, I ſhould have replyed, that it hath
“ been declared not only 600, but 1600 years ago, and in each Centu-
“ ry ſince. But ſuppoſing and granting that it was meant of ſuch Par-
“ liaments as were before the Conqueſt, you ſhall find that above
“ Six Hundred years ago the Prelates are charged (by their intermed-
“ ling in ſecular Affairs) to neglect the Office of Epiſcopal Function.
Hollingſhead. “ For this we read, the Clergy were altogether unlearned, wanton, and
“ vitious; for the Prelates altogether neglected the Office of Epiſcopal
“ Function, which was to tender the Affairs of the Church, and to feed
“ the Flock of Chriſt; lived themſelves Idle, and Covetous, addicted
“ wholly to the Pomp of the World, and voluptuous Life, little ca-
“ ring for the Churches and Souls committed to their charge.

Rand. Higden Policron. lib. 6. cap. 74. “ And if any (ſaith *Higden*) told them that their lives ought to be
“ holy, and their converſation without covetouſneſs, according to the
“ ſacred Preſcript, and virtuous example of their Elders, they would
“ ſcoffingly put them off with a

Nunc aliud tempus, alii pro tempore mores.

“ Thus (ſaith he) they plained the roughneſs of their doings with
“ the ſmoothneſs of their Anſwers. Briefly, they were ſo looſe and rio-
Gervaſius Dorobernenſis. “ tous (ſaith *Gervaſius* of *Canterbury*) they fell ſo faſt to commit
“ wickedneſs, as to be ignorant of ſinful Crimes, was then held to be a
“ great Crime it ſelf.

William Malmsbury. “ And the Clergy (ſaith *Malmesbury*) contenting themſelves with
“ trivial Literature, could ſcarcely hack and hew out the words of the Sa-
“ crament. *Robert* was then Archbiſhop of *Canterbury*, who inſtigated
“ King *Edward* the Confeſſor againſt his Mother Queen *Emma*, charg-
“ ing her with incontinency with *Alwyn* Biſhop of *Wincheſter* (obſerve
William Malmsbury. “ how one Locuſt ſtings another,) which ſhe waſht away, and cleared her
“ ſelf of, by a ſharp Tryal of Fire, *Candentis Ferri*, being (put accord-
“ ing to the Law *Ordalium*) to clear her ſelf, by paſſing Nine Plough-
“ ſhares, glowing red hot, bare-footed and blind-folded, which ſhe did
“ without hurt. And as this Biſhop had charged the Queen his Mother
“ with incontinence, ſo did he likewiſe the Queen his Wife *Edith* or

“ *Egith* with Adultery; but no leſs untruly and unjuſtly, then malitiouſly
“ and enviouſly, as ſaith *Malmesbury*, ſhe being a Lady incomparable,
“ as for Beauty, ſo for Virtue, in whoſe Breaſt there was a School of
“ all Liberal Sciences. And the like teſtifies *Ingulphus*, that had often
“ Conference with her, that as ſhe was Beautiful, and excellent well
“ Learned, ſo in her demeanor, and whole courſe of Life, a Virgin moſt
“ Chaſt, humble, and unfeignedly holy, mild, modeſt, faithful, and innocent,
“ not ever hurtful to any. And do we not read that about the
“ Year 1040, that Biſhop *Alfred* had his Hand deep in the Murder of
“ Prince *Alfred*, who, having his Eyes inhumanely put out, lived not
“ long after, in torment and grief: Some ſay he died by a more horrible
“ Kind of Cruelty, as his Belly was opened, and one end of his Bowels

Will. Caxton.

“ faſtned to a Stake, his Body pricked with ſharp Ponyards, till all his
“ Entrails were extracted, in which moſt Savage Torture he ended his
“ innocent Life. Theſe Biſhops little regarded Eccleſiaſtical Vocation,
“ or Function, but Worldly Pomp and Courtly Rule. They cannot be
“ at Aſſemblies of States, and Parliaments, but their neglected Flock
“ muſt be ſtarved; Theſe feed not their hungry Sheep, but hunger to
“ feed on them; and this Care of the World volves them in a world of
“ Cares. What hath been ſpoken of thoſe Biſhops, I wiſh had not been
“ delivered of other Latter Prelats, wherein I crave Leave to ſpeak what
“ others write. That they are grown to that Height of Idleneſs, (the
“ Mother of Ignorance, and Luxury within themſelves,) and by reaſon
“ thereof, in contempt and baſe eſtimation with the People, that it
“ is thought high time that blood ſhould be drawn from their ſwelling
“ Veins: I will not (though perhaps I might) ſay with them, that
“ the Commonwealth hath little uſe of ſuch (I mean of our Lordly Biſhops)
“ but for that they are ſo far degenerated from the Primitive inſtitution,
“ I wiſh there were reformation; I ſpeak not of demoliſhing, but
“ of Amendment, and Reſtitution, and until it appear that the whole is
“ unſound, I ſhall not aſſent to utter extirpation, or eradication. Thus
“ much I have made bold to deliver, though not in due place, nor in
“ any purpoſe to plead againſt thoſe, or any of them, that have declared
“ themſelves to be of contrary Opinion: I am not ignorant of my
“ diſability to enter the Liſts with any, or to contend with ſuch Worthies
“ in this or other Argument: but I hope there will not be denyed
“ to me Leave, and Liberty to declare the Cauſe and Reaſon of my Vote
“ in this Houſe, in which I have the honour to ſit as a Member: And if
“ I have erred, I have been miſ-led not only by Learned Fathers, and
“ Divines, by Synods, and General Councils, but by great Lords, and
“ Barons, yea by the whole Peerage of theſe Kingdoms of *England*, and
“ *France*: *Peter* Lord *Primandy*, and *Barree*, who writ the *French* Academy,
“ and dedicated the ſame to *Henry* the Third King of *France*; and
“ *Poland*, in that Book, and Chapter of the Cauſes that bred Change,
“ ſaith, *That Biſhops and Prelates neglecting their Charge to beſtow their*
“ *times in worldly Affairs, grew to Miſliking, and Contempt, have procured*
“ *great Offences, and marvellous Trouble, which may more eaſily be lamented*
“ *then taken away, or reformed, being ſuch Abuſes as have taken deep*
“ *Root.* And what he affirmeth did the Peers of *France* unitely deliver,
“ *That Biſhops ſhould follow St.* Peter's *ſteps, to win Souls, and not to meddle*
“ *with Wars and Murder of Mens Bodies.*

“ But to come neer, and to ſpeak of *England*, Let us hear what the
“ *Engliſh* Lords did declare; We read that they did Decree in the time,
“ and

“ and Reign of King *John*, *That Biſhops ſhould not intermeddle in Civil*
“ *Affairs, or Rule as Princes over their Vaſſals*, and the reaſon is rendred;
“ for *Peter* (ſay they) received no power but only in matters pertaining
“ to the Church: and further inlarging themſelves, uſe theſe
“ words: It appertains not to Biſhops to deal in Secular Affairs, ſince
“ *Peter* only received of our Saviour a power in matters Eccleſiaſtical:
“ what (ſay they) hath the Prelates to intermeddle with Wars?
“ ſuch are *Conſtantine*'s Succeſſors, not *Peter*'s, whom as they repreſent
“ not in good Actions, ſo neither do they in Authority: fie on ſuch
“ Raſcal Ribaulds; the words in *Paris*, are *Marcidi Ribaldi*; how unlike
“ are they to *Peter* that uſurp *Peter*'s place? But this point of intermedling
“ in Secular Affairs (though I have often digreſſed) and intermingled
“ with the former parts, is proved in its proper place to be
“ unlawful (*viz.*) in that part that treateth thereof. Craving pardon
“ for this Deviation, I will purſue the preſent Argument (the obnoxiouſneſs
“ of their Sitting in Parliament,) and to come to the points I intended
“ to inſiſt on (*viz.*) The entrance of Biſhops into the Parliament
“ Houſe, and by what means they came there and continued. That they
“ have ſate there from the firſt Parliament to this is not denyed: But as
“ we are not now to conſider *an fuerunt* but *an profuerunt*, ſo are we not
“ to debate and diſcuſs *an factum* but *an fieri debuit*; for it was the Argument
“ of a Pagan (*viz.*) *Symmachus* to the Emperor *Theodoſius* recorded
“ by St. *Ambroſe*, *ſervanda eſt tot ſæculis fides noſtra, & ſequendi ſunt Majores*
“ *noſtri qui ſecuti ſunt fœliciter ſuos*. Our Religion, which hath
“ continued ſo many years is ſtill to be retained, and our Anceſtors are
“ to be followed by us, who happily traced the ſteps of their Fore-fathers;
“ but (with *Tertullian*) *nullam velo conſuetudinem defendas*, if good,
“ no matter how ſhort, ſince, if bad, the longer the worſe; Antiquity
“ without truth (as ſaith *Cyprian*) is but ancient Error. The firſt Parliament
“ (as I read) began 1116 or thereabouts, and in the Sixteenth
“ or Seventeenth year of King *Henry* the Firſt, who being an Uſurper,
“ brought in by the Biſhops to the diſheriſon of *Robert* his elder Brother,
“ admitted the ſaid Biſhops to be Members of the ſaid High Court, partly
“ in gratefulneſs, but rather for that he durſt not do otherwiſe: for was
“ not *Ralph* the then Archbiſhop of *Canterbury* ſo proud and inſolent a
“ Prelate, that we read of him, that when *Roger* Biſhop of *Salisbury*
“ was to Celebrate the Kings Coronation, by reaſon of the Palſie of the
“ Archbiſhop, this cholerick outdaring Prelate could hardly be intreated
“ by the Lords, to with-hold his hands from ſtriking the Crown from
Eadmerus.
“ the Kings Head? of ſuch Spirits were thoſe ſpiritual Prelates, and the
“ Jealouſie to loſe their pompous preheminence of Honours; yet had he
Math. Paris Anno 1119.
“ no other reaſon for this his ſaucineſs, and bold Attempt, but for that
“ *Roger* did not this by his appointment. At the ſame time *Thurſtan* was
Polichron. l. 7. c. 18.
“ Archbiſhop of *York*, who though a diſloyal, and perjured Man by
“ breach of his Oath to the King, yet was he highly favoured, and
“ countenanced by the Pope, and put into that See by him, in deſpite
“ of the ſaid King. And as he, ſo the reſt of the Biſhops (not leſs
“ guilty, nor much leſs potent) were likewiſe admitted Members of
“ that high Court; and to ſpeak plainly, how could he ſpare their being
“ in that Houſe, who were to juſtifie his Title to the Crown?

King *Stephen*.

“ Now paſs we to King *Stephen*, another Uſurper, Nephew to the
“ former King *Henry*, him (though he had an Elder Brother and before
“ them both the Title of *Anjou* by his Wife *Maud* the Empreſs, as

“alſo of his Son *Henry* to precede) the Biſhops did advance to the Royal Throne, no leſs perfidiouſly then trayterouſly, having formerly ſworn to *Maud* the Empreſs. We are alſo to underſtand, that the Biſhop of *Wincheſter* was his Brother, a very Potent Man in the State; And it is worthy our Noting, that the Biſhops did endeavour to ſalve their Diſloyalty, and Perjury, by bringing in the Salick Law to this Kingdom, Trayterouſly avowing, that it was baſeneſs for ſo many, and ſo great Peers to be ſubject to a woman: Nay, it ſeemeth the Biſhops did not intend to be true Subjects to him, though a brave and worthy Prince, (had his Title to the Crown been as good as the Prelates at his Election did declare:) for read we not that the Biſhops of *Saliſbury*, *Lincoln*, *Ely*, and others, did fortifie Caſtles againſt him, and advanced to him in Armed, and Warlike manner? Nay, did not his Brother the Biſhop of *Wincheſter* forſake him, and in a Synod of Clergy accurſed all thoſe that withſtood the Empreſs *Maud*, bleſſing all that aſſiſted her? Surely this Curſe ought to have fallen on himſelf, and the Archbiſhop, who did trouble the Realm with Fire and Sword. Sure as theſe were too great to be put out of Parliament, ſo were they very dangerous therein. Unto *Stephen* ſucceeded *Henry* the Second. In this time *Thomas Becket* was Archbiſhop of *Canterbury*; what his demeanor towards his Soveraign was, and what Miſchief was by him occaſioned to the Kingdom, would take too much time to declare; though ſome Papiſts that adore him for a Saint, will ſay, he reſiſted on juſt Cauſe, yet I will deliver what I read, and render him with the Chronicles, an Arch-Traytor, and tell you that the Doctors in *Paris* did Debate, whether he were damned for his diſloyalty, *Rogerus* the *Norman* avowing, that he deſerved death, and damnation for his Contumacy toward the King, the Miniſter of God. From him I paſs to his Son *Richard* the Firſt, who had two Brothers, that were Biſhops, the one of *Dureſme*, the other of *Lincoln*, and after Archbiſhop of *York*, and going to the Holy Land, appointed for Governour of the Kingdom, *William Longchamp* Chief Juſticiar, and Lord Chancellor of *England*, and Papal Legate.

Matth. Paris.

H. Huntington.

Wendover.

Paris. Malmſbury.

Ceſarius dial. lib. 8. c. 69.

Bale Brit. Cent. 2.

R. 1.

Fox p. 289.

“This Vice-Roy, or rather King (for ſo *Paris* calls him) *Rex & Sacerdos*, had joyned with him *Hugh* Biſhop of *Dureſm*, for the Parts beyond *Humber*. This Kingly Biſhop (as Authors deliver) did uſe incredible Inſolence, and intolerable Tyranny, and commit a moſt Sacrilegious, and Barbarous Out-rage upon the Perſon of *Jeffery* Archbiſhop of *York*, and natural Brother to King *Richard* the Firſt; for which afterwards (being taken in a *Curteſans* Apparel and Attire *velut delicata muliercula*) he was baniſhed the Realm. Now as it was very difficult to turn ſuch Papal Biſhops, and Regulo's out of Parliament: ſo certainly ſuch Lord Biſhops did work there no little Miſchief to Regal Power, the Subjects Liberties, and the Weal publique. Certainly this was not the Duty and Office of a Biſhop; ſurely the Silk, and Scarlet Robes of Princes and Juſticiars, were as undecent for theſe Biſhops, as was the Coat of Iron of the Biſhop of *Beavois*, taken Priſoner by this King, which he ſent to the Pope, with a *Vide an tunica filii tui ſit, an non:* to which he made Anſwer, That he was not his Son nor the Son of the Church. For he had put off the peaceable Prelate and put on the Warlike Souldier, took a Shield inſtead of a Cope, a Sword for a Stole, a Curace for an Albe, a Helmet for a Mitre, a Lance for a Biſhops Staff, perverting the Order,

Paris, Hovedon, & alii. Guil. Nubu. lib. 4. c. 14. *Hovedon Nub.* l. 4. c. 17. *Hovedon* p. 399.

Matth. Paris. Hollin. in *R.* 1.

“and Courſe of things. Thus we ſee, that a Biſhop muſt deſtroy “Mens Lives, either as a Juſticiar in Court, or as a Souldier in Camp. “*Qui ſi non aliquem nocuiſſet mortuus eſt*, they would do any thing but “what they ought to do (Feed the Flock;) they deſire rather to Sit in “Parliament, then ſtand in a Pulpit, accounting Preaching (according to “Biſhop *Juell*) ſo far below their greatneſs, as indeed it is above their “goodneſs. We neither deny or reject Epiſcopacy, or Church Government it ſelf, but the Corruptions thereof; and we ſay, that the Biſhops, “who ſtiffly maintained thoſe Corruptions, have inforced this our diſtaſte.

“When *Jacob* was forced to depart from *Laban* for ill uſage, I conceive that the breach was in *Laban*, not in *Jacob*.

“So alſo thoſe that did forſake *Babylon* (*God commanding to depart* “*from it*) *leſt they ſhould be partakers of their puniſhment, as they were* “*guilty of their Crimes, did not occaſion the ſchiſm or breach, but the* “*ſins of* Babylon: And we confeſs, that true it is, that we refuſe, and “forſake the preſent Church Government, but no further then it hath “forſaken Pure, and Primitive Inſtitution, therefore let none ſay that “we are deſirous of Innovation: for, I think, we may boldly with the “forenamed Reverend Biſhop *Juell*, affirm, *Nos non ſumus novatores.*

King *John*.

* Obſerve this, That even in this Mans opinion *England* is no Elective Monarchy. *Matth. Paris Hiſt. Major.*

“From King *Richard* the Firſt I come to King *John*, an Uſurper likewiſe, who was advanced to the Regal Throne by Archbiſhop *Hubert*, “and the Prelates. * This lewd Biſhop unjuſtly declaring this and all “other Kingdomes to be Elective, and that no man hath Right, or fore-“Title to ſucceed another in a Kingdom, but muſt be by the Body of “the Kingdom thereunto Choſen, with Invocation of Grace, and Guidance of Gods Holy Spirit; alledging further, and that (moſt plainly) “by example of *David* and *Saul*, That whoſoever in a Kingdom Excelled “all in Valour and Virtue, ought to ſurmount all in Rule and Authority; “and therefore they had all unanimouſly Elected *John*, (firſt imploring “the Holy Ghoſts Aſſiſtance) as well in regard of his merits, as Royal “Blood. And thus the Biſhops blanch their diſloyal aſſertion with Sacred Writ, and their Lewd deviſed Plot with the Holy Ghoſts Aſſiſtance. Hereby they rejected the juſt Title, and Hereditary Succeſſion “of *Arthur* his Elder Brother's Son. And as he did this diſheriſon unjuſtly and diſloyally, ſo did he this Election lewdly and fraudulently, as “himſelf after confeſſed, when being demanded the Reaſon of his ſo “doing, he replyed, *That as* John *by Election got the Crown, ſo by Ejection* “*upon demerit, he might loſe the ſame*; which after he did endeavour to “his utmoſt, and at laſt effected by depriving him of Life, and Kingdome.

Matth. Paris. R. *Hovedon* *Girald. Cam.* who called him *Principio frænum.*

“Let me not be miſconceived, I know *Hubert* died 8, or 10 years “before him, but what he did begin, and forward, was furthered and “purſued by *Stephen Langton* and other Biſhops and Prelates, too “long to rehearſe. His other Brother being Archbiſhop of *York*, a “ſtrange Example, ſaith *Malmsbury* to have a King ruled by two Brethren of ſo turbulent humours. Many of their Treaſonable Acts, “and Diſloyalties, I will omit, and paſſing by as well particular Biſhops “and Prelates, as *Stephen* Arch-Deacon of *Norwich*, and others, as alſo “of them in general, I will only relate one villanous paſſage of Trayterous Diſloyalty; whereof (as good Authors deliver) the Archbiſhops, “and Prelates were principal Abettors, and Conſpirers.

May.
1641.
Paris.

“The King being at *Oxford*, the Biſhops and Barons came thither with
“armed Multitudes without number, and forced him to yield, that the
“Government ſhould be ſwayed by 25 Selected Peers.

“Thus one of the greateſt Soveraigns was but the Six and twentieth
“petty King in his own Dominions, &c. To him Succeeded his Son
“K. *H.* 3. who being at *Clerkenwel*, in the Houſe of the Prior of
“Saint *John*'s, was told by him no leſs ſawcily than diſloyally (if I
“may not ſay traiterouſly) That he ſhould be no longer King, than he
“did Right to the Prelates. Whereto he anſwered, *What? do you mean*
“*to deprive me of my Kingdom, and afterward Murther me, as you did*
“*my Father?* And indeed they performed little leſs, as ſhall hereafter
“appear. But now to take the particular paſſages in order.

“In this King's Reign, *Stephen* then Archbiſhop of *Canterbury*, as we
“read, was the Ring-Leader of Diſorders both in Church, and State;
“and no better was *Peter* Biſhop of *Wincheſter*; But not to ſpeak of
“them in particular, but of them all in general; and that in Parliament
“at *Oxford*, ſaith *Matth. Paris*, and *Matth. Weſtm.* came the Seditious
“Earls, and Barons, with whom the Biſhops *Pontifices (ne dicam Phariſei*,
“thoſe were his words) had taken Counſel againſt the King, the
“Lord's Anointed, who ſternly propounded to the King ſundry traiteterous
“Articles, to which they required his Aſſent; but not to reckon
“all the Points, you ſhall hear what the ſame Authors deliver of their
“Intent, I will repeat the words as I find them. *Theſe turbulent Nobles*,
“ſaith *M. Weſt. had yet a further Plot than all this, which was firſt*
“*hatched by the Diſloyal Biſhops, which was, That four and twenty Perſons*
“*ſhould there be Choſen to have the whole Adminiſtration of the*
“*King and State, and yearly appointment of all great Officers, reſerving*
“*only to the King the higheſt Place at Meetings.* Primus Accubitus in
“Cœnis, *and Salutations of Honour in Publick Places.* To which they
“forced him and his Son Prince *Edward* to Swear for fear (as mine Author
“ſaith) of Perpetual Impriſonment, if not worſe: for the Traiterous
“Lords had by an Edict threatned Death to all that reſiſted. And
“the Perfidious, and wicked Archbiſhop and Biſhops, Curſing all that
“ſhould rebel againſt it: Which impudent and Traiterous Diſloyalty
“(ſaith *Matth. Paris*, and *Matth. Weſtm.*) the Monks did deteſt, asking,
“*With what fore-heads the Prieſts durſt thus impair the Kingly*
“*Majeſty, expreſly againſt their ſworn Fidelity to him.* Here we ſee
“the Monks more Loyal, and Honeſt than the Lord Biſhops: we have
“Caſhiered the poor Monks, and are we afraid of the Biſhops Lordlineſs,
“that they muſt continue, and ſit in Parliament, to the Prejudice of the
“King, and People? And ſo we may obſerve, That this * Traiterous
“Biſhop did make this King as the former had done his Father, meerly
“Titular.

“From him I paſs to his Son, *Edward* the Firſt: In his Reign *Boniface*
“was Archbiſhop of *Canterbury*, and Brother to the Queen, what
“he, and the reſt of the Prelates did in prejudice to the Regal Authority
“and Weal Publick, I will paſs over, the rather for that they
“declare themſelves in his Son's Reign ſo wicked and diſloyal, that no
“Age can Parallel, of which thus in brief; Doth not *Thomas de la More*
“call the Biſhop of *Hereford* Arch-Plotter of Treaſon, *Omnis mali Architectum*,
“and not to ſpeak of his contriving the Death of the late
“Chancellor, and other particular Villanies, he is Branded together with
“*Wincheſter* then Chancellor, and *Norwich* Lord Treaſurer, to occaſion

* This which he accounts Treaſon in the Biſhops was no more than this Man and his fellow-Members would have impoſed upon the King in the 19 Propoſitions.

May.
1641.

"the dethroning of this Prince: Nay, after long Impriſonment, his very Life taken away by Biſhop *Thorlton*'s Ænigmatical Verſe (though he after denied it) *Edwardum Occidere nolite timere bonum eſt.* But this *Adam de Orleton*, aliàs *Torleton*, and his fellow Biſhops in this King's Reign, I may not ſlightly paſs over; Therefore I deſire we may take a further view of them. Firſt, of this *Adam* Biſhop of *Hereford*, we find that he was ſtript of all his Temporalties, for ſupporting the *Mortimers* in the Barons Quarrel. He being (ſaith *Thomas de la More*) a Man of moſt ſubtil Wit, and in all wordly Policies profound, daring to do great Things, and Factious withal, who made againſt King *Edward* the Second a great ſecret Party. To which *Henry Burwaſh* Biſhop of *Lincoln* (for like Cauſes deprived of his Temporalties) joyned himſelf, as alſo *Ely*, and others; *Walter Stapleton*, Biſhop of *Exeter*, a Turn-Coat, left the Queen, and came to *England* to inform the King of his Queens too great familiarity with *Mortimer*, which afterward coſt him his Head. Perhaps ſome now (as *Thomas de la More*) will ſay, he was therein a good Man; yet I will take leave to think, nor do I fear to ſpeak it, This was no part of Epiſcopal Function. But I will paſs him by, not concluding him either good or bad, every Man may think as he pleaſeth, I will declare the Traiterous and Diſloyal Actions of the other Biſhop formerly mentioned. This Biſhop of *Hereford*, whom I find called the Queens boſom Councellor, Preaching at *Oxford*, took for the Text, *My Head, my Head aketh*, 2 Kings 4.19. concluding more like a Butcher than a Divine, that an Aking and Sick Head of a Kingdom, was of neceſſity to be taken off, and not to be tampered with, by any other Phyſick; whereby it is probable, that he was the Author of that Ænigmatical Verſe formerly recited, *Edwardum occidere*, &c. And well may we believe it: for we find that he cauſed *Roger Baldock* Biſhop of *Norwich*, the late Lord Chancellor, to die miſerably in *Newgate*. Not much better were *Ely*, *Lincoln*, *Wincheſter*, and other Biſhops, that adhered to the Queen, *Mortimer*, and others of her part. Nor can I commend thoſe Biſhops that were for the King, and the *Spencers*. The Archbiſhop of *Canterbury*, and his Suffragans, decreeing the Revocation of thoſe Peſtilent Peers, the Judgment given againſt them judged as Erronious. Thus theſe Lord Biſhops, as all in a manner, both before, and after, inſtead of Feeding the Flock of Chriſt only, Plotted diſmal Wars, Death, and Deſtruction of Chriſtians. I might tell you how in this King's Reign, as in others, * they perſwaded the Lords, and Peers of the Realm, that they had Power and Right not only to reform the King's Houſe, and Council, and to place, and diſplace all great Officers at their Pleaſure, but even a joynt Intereſt in the Regiment of the Kingdom together with the King. And now will any ſay, *No Biſhop, No King:* yet one word more before I part with theſe Biſhops: what Ground-work they laid, and what means they uſed for the Ruine of King and Kingdom, was it not their working upon the Impotence of a Womans will, inſinuating what indignity it was, that a She-Daughter of *France*, being promiſed to be a Queen, was become no better than a waiting-woman, living upon a Penſion; and ſo nouriſhing in her great Diſcontents, perſwaded her going to *France*, which was the Matter and Embrion, and as I may ſay, the chief Cauſe of Common Deſtruction, which after enſued. God keep all good Princes from heark'ning or conſenting to the pernicious Counſels of ſuch peſtilent Prieſts, and

***Certainly this was made a Preſident, for ſuch were the Pretences and Practiſes of this Man and his Aſſociates.**

"prating

May.
1641.

“prating Paraſites. To declare all their Diſloyalties in Parliament, and out, would fill a large Volume. But now *Brevis eſſe laboro*, therefore I only ſay, That as it was not for their Goodneſs, but Greatneſs, that they ſate in Parliament, ſo their ſitting there did (I think I may ſay) almoſt evert Monarchy, yea, Regality: with what face can they inculcate that Aſperſion, *No Biſhop, no King*? Certainly by what I have already delivered, and ſhall now declare in the Reigns of Succeeding Princes, it will appear quite contrary, that where Lordly Biſhops domineer and bear Rule, and Sway, neither Kings, nor Kingdoms, themſelves, or Subjects are ſecure.

“Now to the Reign of King *Edward* the Third, did not *John* Archbiſhop of *Canterbury* perſwade and incite this King, and the Parliament, to a moſt dangerous War with *France*; whereby the Death of Millions hath been occaſioned. To ſuch Miſchief do they uſe their Learning, and Eloquent Orations in Parliament. What *Epiphanius* delivered of Philoſophers, that they were *In Re ſtultâ Sapientes*, ſo may we ſay of ſuch Biſhops, that they are *In malo publico facundi*. But to paſs by particular Men, and Actions, I ſhall only deliver unto you ſome Notable Paſſages in Parliament, *Anno* 1371. The Parliament did Petition the King to have them deprived of all Lay-Offices and Government, they being commonly the Plotters, and Contrivers of all Treaſons, Conſpiracies, and Rebellions, the very Incendiaries, Peſts, and Grievances both of the Church and State, the chiefeſt Inſtruments to advance the Peoples uſurped Authority, though with Prejudice of the Kings (which they never cordially affected) and the Arch-Enemies of the Common-wealth, through their private Oppreſſion, Covetouſneſs, Rebellion, and Tyranny, when they have been in Office, as may appear by *Antiquitates Eccleſiæ Britannicæ*, in the Lives of *Anſelm*, *Becket*, *Arundel*, &c. Here we ſee, that they never affected the Authority of Kings, but rather were Scourges to their Sides, and Thorns in their Eyes.

R. 2.

“Now we come to *R.* 2. his Grandchild, who Succeeded him: we read that when in Parliament in *London*, the Layety had granted a Fifteenth on Condition, that the Clergy would likewiſe give a Tenth and Half; *William le Courtney* then Archbiſhop, did ſtiffly oppoſe it, alledging, they ought to be free, nor in any wiſe to be taxed by the Layety; which Anſwer ſo offended the Lords, and Commons, that with extream fury they beſought the King to deprive them of their Temporalties, alledging, That it was an Alms-Deed, and an Act of Charity, thereby to humble them; that was then delivered for an Alms-Deed, and an Act of Charity, which is now accounted Sacrilege and Cruelty.

Tho. Walſingham.

H. 4.

“The next that Succeeded him, was *H.* 4. but an Uſurper alſo; for at that time there were living of the Houſe of *York*, whoſe Right by the Title of *Clarence* was before his, as *Mortimer*, &c. In oppoſition to his Claim and Right, the Biſhop of *Carliſle* made a moſt Eloquent Oration; but to what purpoſe? to perſwade his dethroning now veſted in the Regal Government; and thereby to ingage the Kingdom in a Civil War, (which when his Oratory could not effect) he laboured, and ſo far prevailed, that by his ſubtil inſinuations, and perſwaſions, many Princes of the Blood Royal, and other great Lords were drawn to a Conſpiracy, himſelf laying the Plot, (together with the Abbot of *Weſtminſter*, the Chief Wheels of all the Practice, as moving the reſt)

Hayward.

Joh. Stow ex Anonymo Hal. Cron.

John Stow Annals.
Hall ex *Walſingh.*

“ for the King's Death, whereby he brought to the Block thoſe Noble Peers, and as his Peſtilent Council had infected their Minds, ſo was the Blood of them, and theirs, tainted by this foul Treaſon; but as I diſcommend his diſloyal Actions, ſo I no better approve the other flattering, and Time-ſerving Biſhops, who did Plead the Right of the Title of the ſaid King more Eloquently than Honeſtly, more Rhetorically than Divinely; for which their Expreſſions they were employed as Ambaſſadors to Foreign Parts to declare and juſtifie his Title, and Right to the Scepter; the Biſhop of *Hereford* to *Rome*, the Biſhop of *Durham* to *France*, the Biſhop of *Bangor* to *Germany*, and the Biſhop of St. *Aſaph* to *Spain*; which Biſhop of *Aſaph* ſate as Judge in that Parliament, and pronounced the Sentence of Depoſition againſt King *Richard*. The Form (as near as I remember) was: *We* John *Biſhop of St.* Aſaph, John *Abbot of* Glaſtenbury, *Commiſſioners, named by the Houſe of Parliament, Sitting in Place of Judgment*, &c. Here you may note that the Biſhop did paſs Judgment of a great Inheritance, no leſs than Two or Three Kingdoms, and though not between two Brothers, but Cozins, yet did adjudge moſt wrongfully as was moſt apparent. I note withal, That the Title of Lord is not aſſumed by this King-depoſing Biſhop, nor any other that I read of. Now what he had judged in Parliament his Holy Brother of *Canterbury* muſt make good in Pulpit, delivering, what unhappineſs it was to a Kingdom to have it governed by ſuch a Man. Certainly a moſt dangerous Poſition to an Hereditary Monarchy. I alſo note, that this Arch-Biſhop was Brother, to the Earl of *Arundel*, and at the ſame time the Arch-Biſhop of *York*, a near Kinſman to the Earl of *Wiltſhire*; and who durſt then plead againſt the Right of the Biſhops Sitting in Parliament?

Fabian 1.
Concor.
Hall ex *Fab.*

“ In the ſame King's Reign *Richard le Scroop* the Arch-Biſhop of *York*, did in Parliament enter into Conſpiracy with *Thomas Mowbray* Earl Marſhal, againſt the ſaid King, for which they were both beheaded.

“ And now in the ſaid King's Reign, in the Parliament of *Coventry*, let me alſo tell you, That in the ſaid Parliament, as in other both before and after, a Bill was exhibited againſt the Temporalties of the Clergy, who called that Parliament *Parliamentum Indoctorum*, ſaying, *That the Commons were fit to enter Common with their Cattle, having no more Reaſon then bruit Beaſts*. This is *Speed*'s delivery; but I take it that he repeateth it as the Prelates Cenſure of the Houſe of Commons.

H. 5.

Hall in 8 *R.* 2.

“ But to him ſucceeded *Henry* the Fifth, in his time did not *Henry Chichley* in an Eloquent Oration in Parliament revive the Wars with *France*, by declaring the King's Right thereunto, to the effuſion of much Chriſtian Blood, and to the loſs of all we had there? To expiate which, he built a Colledg in *Oxenford*, to pray for the Souls Slain in *France*. Though what he did then deliver, was true of the King's Right of *France*, (as was alſo the other of *John* Arch-Biſhop of the ſame See in *Edw.* the Third's time; and no leſs true was that of *Carliſle* againſt *H. 4th*'s Title:) Yet I may ſay, it was not the Office, or Function of a Biſhop to incenſe Wars Domeſtique, or Foreign. Nay this Biſhop did ſet this War on foot to divert the King from Reformation of the Clergy. For in that Parliament held at *Leiceſter*, there was a Petition declaring that the Temporal Lands which were beſtowed on the Church, were ſuperfluouſly and diſorderly ſpent upon Hounds, and Hawks, Horſes,

“ and

May,
1641.

“ and Whores, which better imployed, would ſuffice for the maintenance
“ of 15 Earls, 1500 Knights, 6200 Eſquires, an hundred Alms-houſes;
“ and beſides of Yearly Rent to the Crown 20000 pounds.

H. 6.

Fox Mart. in *H. 6.*

“ From him I come to his Son *Henry* the Sixth: I read many Accuſa-
“ tions that *Gloceſter*, the good Protector, did lay to the Charge of *Beau-*
“ *fort* the Cardinal of *Wincheſter*, and Lord Chancellor, Great Uncle to
“ the King Living, Son to *John* of *Ghent*, alledging him a Perſon very
“ dangerous both to the King, and State; his Brother of *York* a Cardinal
“ alſo, together with other Biſhops no better. For we read of Arch-
“ Biſhop *Bourchier*, and other Biſhops, that they did ſhamefully coun-
“ tenance the diſtraction of the time. Theſe, as I delivered before, though
“ bad in Parliaments, yet too great to put out; I will not now ſpeak of
“ many other Particulars, that I might either in this King's Reign, or his
“ Succeſſors to King *Henry* the Eighth, for that I deſire to declare what
“ they did ſince the Reformation; yet therein will be as brief as I may,
“ having already too much provoked your Patience, for which I crave
“ humble Pardon.

E. 4.

“ To *Henry* the Sixth ſucceeded *Edward* the Fourth, who indeed had
“ the better Title to the Crown; notwithſtanding Arch-Biſhop *Nevil*,
“ Brother to the King, *Maho*, *Warwick* with others, did Conſpire and
“ attempt his Dethroning, and after took him Priſoner, and kept him in
“ his Caſtle of *Midleham*; and after in Parliament at *Weſtminſter*, did
“ they not declare him a Traytor, and Uſurper, confiſcate his Goods, re-
“ voke, abrogate, and make fruſtrate all Statutes made by him, and in-
“ tayl the Crown of *England* and *France* upon *Henry* and his Iſſue-Male,
“ in default thereof to *Clarence*, and ſo diſabling King *Edward* his Elder
“ Brother?

E. 5.

“ But to haſten, I will paſs over *Edw.* the Fifth, whoſe Crown by
“ means of the Prelates as well as the Duke of *Buckingham*, was placed
“ on the head of his Murtherous Uncle that Cruel Tyrant; for had not
“ the Cardinal Arch-Biſhop by his perſwaſion with his Mother, taken
“ the Brother *Richard* Duke of *York* out of Sanctuary, the Crown had
“ not been placed on his Uncle's Head, nor they loſt their Lives; and
“ not to ſpeak of Doctor *Pinker*, and Doctor *Shaw*'s Sermons, and other
“ foul paſſages of Prelates, (as *Morton*, and others) who ſought alſo the
“ deſtruction of King *Richard*, and that when his Nephews were dead,
“ and none had Right before him to the Crown, which he then wore;
“ what diſloyal long Speeches made he to the Duke of *Buckingham*, to per-
“ ſwade the ſaid Duke to take the Crown to himſelf?

R. 3.

H. 7.

“ From *Richard* I paſs to *Henry* the Seventh: I told you before, that
“ *Morton* would have perſwaded *Buckingham* to dethrone King *Richard*
“ the Third, and take the Kingdom to himſelf, to which he had no Right:
“ and failing therein, he addreſſed himſelf to *Henry* then Earl of *Rich-*
“ *mond*; and as by his Counſel he prevailed with him, ſo he prevailed
“ againſt, and won from *Richard* the Garland: This perſwader and fur-
“ therer of bad Titles was advanced to the See of *Canterbury*, his deſire
“ whereof perhaps cauſed his diſloyalty, and being in high favour with
“ this Prince, by his ſpecial Recommendations procured one *Hadrian de*
“ *Caſtello* an *Italian*, to be made firſt Biſhop of *Hereford*, after of *Bath*
“ and *Wells*, who alſo was made Cardinal, by that Antichriſtian, and
“ deviliſh Pope *Albert* the Sixth, and as *Moreton* had endeavoured the
“ dethroning of his Lord and King, ſo did the other Conſpire the Mur-
“ ther of Pope *Leo* the Tenth, when he was told by a Witch, That one
“ named *Hadrian* ſhould ſucceed him.

Goodw. Catal. of Biſhops in *Bath*, &c. *pag.* 309.
Paulus Jovius.

“ As

May.
1641.

Spede.

“As to *Henry* the Eighth, I need not ſpeak much of his Opinion of Biſhops, who he ſaith, were but half Subjects, if Subjects at all to him, when he cauſed Sir *Thomas Audeley*, Speaker, to Read the Oath of Biſhops in Parliament. And that it was ſo, appeared when *Wolſey*, and *Campeius* refuſed to give Judgment for the Unlawfulneſs of the Marriage of *H.* 8. and thereupon a Divorce: whereupon the Duke of *Suffolk* ſaid, and that truly, *It was never merry in* England *ſince Cardinal Biſhops came amongſt us*. It were too large to repeat all the Petitions, and Supplications, and Complaints of Divines againſt them in this King's Reign, as of Doctor *Barnes*, *Latimer*, *Tindall*, *Beane*, and others. This laſt named ſaith, That the Biſhops alone have the Keys of the *Engliſh* Kingdom hanging at their Girdles; and what they traiterouſly Conſpire among themſelves; the ſame is bound, and looſed in *Star-Chamber*, *Weſtminſter-Hall*, *Privy Council*, and *Parliament*. This and much more he: But as their ſitting there hath been obnoxious; ſo it is uſeleſs as may appear by the Statute of 31 *H.* 8. yet in force, where it is Enacted, That as the then Lord *Cromwell*, ſo all other that ſhould thereafter be made Vice-Gerents, ſhould ſit above the Arch-Biſhop in Parliament; Nay, hold general Viſitations in all the Dioceſſes of the Realm, as well over the Arch-Biſhops, Biſhops, Arch-Deacons, as Laiety, to enquire and Correct their Abuſes, to preſcribe Injunctions, Rules, and Orders for Reforming of Religion, for aboliſhing Superſtition and Idolatry, and Correction of their Lives and Manners, &c. And read we not that in the 37 of the King's Reign, Letters Patents were granted to Lay-men, to exerciſe all manner of Eccleſiaſtical Juriſdiction, as the King's Officers, not the Biſhops. Thus we ſee the Government of Biſhops as well as their Sitting in Parliament, may be ſpared. And that neither have, nor heretofore had any Eccleſiaſtical Juriſdiction in making of Canons, or Conſtitutions, but by the King's Writ, nor Promulge or Execute any ſuch, without the King's Royal Aſſent and Licence, under Pain, appears by the Statute of 25th of the ſame King, upon the Clergies own ſubmiſſive Petition: And the Biſhops themſelves in the Proſecution of this Act 1603. in the beginning of King *James* his Reign, did decree the ſame, and pronounce Excommunication *ipſo facto* upon all or any that ſhould Ordain or Execute the ſame without Royal Aſſent. Now you have ſeen their Demeanour in Parliament for Three or Four Hundred years, or thereabouts. The delivery hereof hath taken up much time, and perhaps thereby moſt are ſatisfied, that they have been hurtful; and therefore that it is not convenient they ſhould longer continue Members of that Honorable Houſe, where they have done ſuch Miſchief to King and Common-wealth: yet in regard of my Promiſe and Undertaking to declare them Prejudicial from the Firſt Parliament to this preſent, by Teſtimony of Credible Authors in each King's Reign, as alſo to meet with an Objection, which I conceive will be offered to make all that hath been proved, as Extravagant, ſo invalid, That thoſe Actions, Practiſes, Plots, Conſpiracies, or Treaſons, were done and perpetrated in time of Popery, and that it was done by Papal Command, I will deliver their Actions no leſs deteſtable, nay rather more heinous after the Reformation than before. In the ſeveral Reigns of King *Edward* the Sixth, Queen *Mary*, Queen *Elizabeth*, King *James* of Bleſſed Memory, and our preſent Sovereign, whom God long Preſerve. But I deſire, I may be rightly underſtood,

“that

Barns Supplic. *& alii.*

H. 8. 31.

H. 8. 37.

Henry 8.25.

May.
1641.

“that when I charge theſe Reverend Biſhops, that were very good Men, Chief Pillars of the Church, great Lights of Learning, and Charge them to have thoſe things as Biſhops, which I believe they would not have done as Private Miniſters; If (I ſay) I declare that they, to hold their Biſhopricks, and in expectance of great Preferment, and to pleaſe great Lords and Princes, Kings and Emperors, have not only yielded to, but perſwaded to introduce Idolatry, to diſinherit the Right Heirs of Kingdoms, and force good Princes to do Acts Unnatural and Unjuſt: Let me not be thought to ſpeak in Depravation, or Detraction, I do not intend their Infamy (and ſo deſire to be underſtood) their Memory ought to be dear to us all, and it ever hath been, and is precious in my Eſteem; but I thereby inſinuate, that Corrupt Lordly Epiſcopacy, hath an Infection in it, tainting the pureſt, and godlieſt Miniſters.

“I pray you miſconceive me not, I am not againſt Epiſcopacy truly underſtood, or a Church-Government rightly uſed; but I conceive, and therefore (under Correction) ſay, That it hath (with *Theſeus* Ship) received ſo many new Pieces, and Additions to the firſt Building, that it doth juſtly occaſion a Diſpute, whether it be the ſame; little or nothing of the firſt Subſtance and Materials remaining: So that we have Epiſcopal Government in Name, but want the Subſtance; *Vox & præterea nihil:* with *Ixion* we embrace but a Cloud inſtead of *Juno*, or (at beſt) but a Blear-eyed *Leah* inſtead of a Beautiful *Rachel*. This Tree (I ſay) is almoſt rotten, this Salt ſomewhat unſavory, this Light very dim, this Building ſcarce ſound, or ſure; which (if propping will help) I would not have demoliſhed, till a Model of a better be agreed upon.

Ed. 6.
Fox Acts, and Mon.

“In King *Edward*'s Reign did not the Reverend Biſhop (*O Grief to hear!* ſaith my Author) perſwade, and ſubſcribe to the diſinheriting of the two Daughters of *H.* 8. the Siſters of his King, contrary to the Statute of 35 *H.* 8. as alſo in prejudice of the Right of *Scotland*, *Margaret* being eldeſt Siſter to *Mary*, Grandmother to *Jane*, on whoſe Head they would ſettle the Crown? which Plot, I think I may ſay, wicked and diſloyal if it had taken effect, in all likelyhood, the bleſſed Union of both Kingdoms had not enſued; which, as I ſaid before, was hindred by *Betton* Biſhop of St. *Andrews* in *H.* 8*th*'s time.

John Spede.

“I have not yet ſpoke any thing as to the Point of Idolatry, the moſt wicked, and higheſt degree of Treaſons, being againſt the King of Kings; did not the Arch-Biſhop *Cranmer*, and Biſhop *Ridley* perſwade, nay, earneſtly preſs King *Edw.* 6. that the Lady *Mary* might have Maſs ſaid in her Houſe, and that to be done without all prejudice of Law? the Greatneſs of her Perſon, being the immediate Succeſſor, and the Might of *Charles* the Emperor moved thoſe Biſhops too forward, and ſo far urged this to the King, and from Divines becoming Politicians, alledged the Danger in breach of Amity with the Emperor, and when he convincing by Scripture, and told them he would rather hazard his Life than grant that which was not agreeable to Truth, They alledge the Bonds of Nature; At laſt, tell him they would not be ſaid nay; This they offered, and thus far they preſſed, althô they could not prevail with this Pious Prince.

“Theſe were not the Baits that *Peter* angled with to catch Souls, or the Weapons that St. *Paul* fought with when he profeſſed they were not Carnal, but mighty through God to caſt down Holds, they propoſe not Honor and Security to Chriſt's Diſciples, but Hazard, and

“Baſeneſs.

May. 1641.

“ Baſeneſs. A moſt godly Speech of a good Chriſtian Prince, the like whereto I read that King *James* uttered in his Proteſtation made to *Watſon*, as he after confeſſed to the Earl of *Northampton* upon ſome occaſion offered: *All the Crowns, and Kingdoms in this World* (ſaith he) *ſhall not induce me to change one jot of my Profeſſion, which is the paſture of my Soul, and earneſt of my Eternal Inheritance.* A Pious Speech of a Magnanimous King, whoſe Memory ſhall ever be juſtly Bleſſed; and I doubt not but our Gracious Sovereign, as he holdeth his Kingdoms, ſo poſſeſſeth the like Religious Courage, and Conſtancy.

Queen *Maries* Letter to the Biſhops and L. from *Keningall* 9 *July* 1553.

“ But to return to our former Biſhops, *viz. Cranmer*, *Ridley*, &c. did they repent them of this upon better Conſideration, and upon the Death of this good King advance the Title of the Right Heir? Nothing ſo, for when Queen *Mary* hearing that *Jane* her Couſin was to be Proclaimed Queen, Writ her Letter to the Lords declaring her own Right, and marvelling that they ſo unjuſtly attempted to put her from it, contrary to their Loyalty, Allegiance and the Statute, which had formerly ſetled the Crown upon her; They (I mean the Biſhops as well as the Lords, for I find *Canterbury* and *Ely* to have Subſcribed) told her, That ſhe had no Right thereto but *Jane* muſt be Queen and ſhe muſt ſubmit her ſelf to her as her Soveraign. And what they Writ did *Ridley* Biſhop of *London* Preach. And thô this was not done, or ſpoken in Parliament, yet no man doubteth but if it had been effected, they would have Pleaded in Juſtification thereof, and confirmed it as Rightful in the next Parliament that ſhould have been Called. Now I have declared them diſloyal Traitors, and moſt unjuſt, and ungodly in theſe Paſſages.

Jo. Stow, Pag. 1084.

“ To paſs from this Queen to the next, I find that in the Firſt year of good Queen *Elizabeth*, there was a further Reformation deſired; and what was then earneſtly preſſed by good Divines, as Dr. *Scorie*, *Cox*, Mr. *Jewel*, *Grindal*, *Whitehead*, *Horn*, *Geſt*, was thus far granted by that Godly Princeſs, that there ſhould be a Conference at *Weſtminſter*; where being come, they were oppoſed by the Biſhop of *Wincheſter*, *Lincoln*, *Litchfield*, *Carliſle*, and *Cheſter*, together with ſome others. Theſe Biſhops (ſaith mine Author *Stow*) abruptly broke off this Conference, Pleading a miſtaking of their Directions: and in the next Sitting utterly refuſed either to Write their own, or to Read the others Reaſons, whereby all was undone that was intended, whereof part was Imprinted by *Richard Jugge*, and *John Cawood*, as is to be ſeen: and this was in time of Parliament. Much more I might declare of Biſhops Actions in this Queens time, as that the Biſhops in Queen *Elizabeths* Inauguration, did refuſe to Anoint, or Conſecrate her, *viz. York* (*Canterbury* dying a little before;) Alſo theſe Chief Biſhops denied the ſame, as, *London*, *Dureſm*, *Wincheſter*, *Ely*, *Lincoln*, *Exeter*, *Bath* and *Wells*, *Coventry* and *Litchfield*, *Chicheſter*, and *Peterborough*.

“ But I haſten to Concluſion. And as this virtuous Queen did yield that a Diſpute ſhould be had for Reformation; ſo did the gracious Prince King *James*, grant the like at *Hampton-Court*, where were Doctor *Reynolds*, and Doctor *Sparkes* of *Oxford*; and *Knewſtabs* and *Chaderton* of *Cambridge*. Now who reſiſted the Reformation? Sure none other but the Biſhop of *Canterbury*, *Dureſme*, *London*, *Wincheſter*, *Chicheſter*, *Worceſter*, *Carliſle*, and St. *Davids*; and the Deans of *Weſtminſter*, *Windſor*, *Pauls*, *Cheſter*, *Worceſter*, *and Chriſt-Church*, alledging, that there was no need of Reformation: But God and good

“Men did know the contrary, but I will not trouble you with their “Actions in this King's Reign, their Introduction of Schiſms, Hereſies, “and Idolatry, of Popery, and Arminianiſm, and what not? Of Irreligion “to the Deity, Miſchief and Danger to the King, and prejudice “to the People and Kingdom, few or none within theſe Walls but know “them, and felt the harmful fruits thereof. As for their Actions in His “Majeſtie's Reign, which I think do poiſe down, and over-ballance “all formerly done ſince beginning of Parliaments, put together in the “other Scale, I will refer them to the Reports of the Committees for “the Pope of *Lambeth*, and his Cardinals, *Wren*, and others, and briefly “conclude, That whereas from their firſt Sitting in Parliament to this “time, they have as well in Parliament as out; been ſo prejudicial, and “appeared to have during their ſitting there, Plotted and Contrived “Treaſons, and Conſpiracies, Rebellion and War, Domeſtick and Foreign, “been Incendiaries and Grievances to State and Church, and “Arch-Enemies to King, and Common-wealth, introducing Salique Law, “making this Kingdom Elective, and our Princes only Kings *durant. bene* “*gerend.* or rather *bene placit.* in worſe Caſe and leſs hold than a Duke “of *Venice*. I hope, His Majeſty will *Lege Talionis*, make their Epiſcopacy “to be only Titular, which is as much as is due to them; whether “Arch-Biſhops, or Biſhops: for they are to have Priority or Precedency, “*Quoad Ordinem*, not *Quoad Miniſterium*, wherein the pooreſt Curate “is his equal, and his fellow-Miniſter. And as I am not for equality, “and Parity, ſo I would not have too great a diſtance; the Danger “whereof to any Eſtate, be pleaſed to hear, as I received it from an “Author formerly mentioned, in theſe words rendred:

Too much Increaſe, and unproportionable Growth, is a Cauſe that procureth the Change, and Ruin of Common-weals. For as the Body is made, and compounded of Parts, and ought to grow by Proportion, that it may keep a juſt Meaſure; ſo every Common-weal being compounded of Orders, and Eſtates as it were of Parts, they muſt be maintained in Concord one with another, as it were with equal and due proportion obſerved between each of them. For if one Eſtate be advanced too much above another, Diſſention ariſeth, Equality being the Nurſing Mother of Peace, and Contrariwiſe, Inequality the beginning of all Enmity, Factions, Hatred, and Part-taking. But ſeeing it is meet that in every well-eſtabliſh'd Policy there ſhould be a difference of Rights, and Privileges betwixt every Eſtate, Equality may continue, if proviſion be made that one Eſtate grow not too much before the other: But more of this elſewhere in its more proper place.

“And as for theſe Reaſons, I yielded my Vote for the Unlawfulneſs “and Inconvenience of their Sitting there: Therefore I wiſh they may “be no longer Members of that moſt Honorable Houſe.

“I humbly crave leave to add a word or two to what I formerly “ſpoke.

“I am not ignorant, that the foreſaid Aſſertion, *No Biſhop, No King*, “is received as the delivery of King *James*, but thô it might be admitted “in the Senſe he meant, and intended, to wit, that thoſe that diſlike “a Church Government, will hardly admit Regal Rule; yet we “can no way allow thereof as it is commonly offered, and preſſed, “that the Regal Power cannot ſubſiſt without the preſent Epiſcopacy. “Now, when that Wiſe, Learned, and Religious King did conceive “of the Rules and Tenents of Biſhops and Prelates, how Conſonant to

May, 1641.

“the Majeſty of Temporal Princes, or whether he thought them rather to tend to the Trampling thereof under foot, and laying their Honour in the Duſt, may appear by his Quotations in the latter end of his Apology for the Oath of Allegiance, which I thought fitter to annex hereunto, than to have delivered them in their proper place, when I ſpake of Biſhops in the Reign of *Ed.* 2d. being then deſirous to continue the Hiſtorical Narration of their Sitting and Actions in Parliament, having too much tranſgreſſed by my often enterweaving other paſſages therewith, I overpaſſed the ſame.

King *James*’s Collection out of Cardinal Biſhop *Bellarmine,* are as followeth:

1. De Laicis, c. 7. — 1. *That Kings are rather Slaves than Lords.*

2. De Pont. Rom. L. 1. c. 7. — 2. *That they are not only Subject to Popes, to Biſhops, to Prieſts; but even to Deacons.*

3. Ibid. — 3. *That an Emperor muſt content himſelf to Drink, not only after a Biſhop, but after a Biſhop’s Chaplain.*

4. Ibid. & de Cler. c. 20. — 4 *That Kings have not their Authority, nor Office immediately from God, nor his Law; but only from the Law of Nations.*

5. De Pontif. Lib. 3. c. 16. * Lib. 5. c. 8. — 5. *That the Popes have degraded Emperors, but never Emperor degraded the Pope: Nay, even* * *Biſhops that are but the Pope’s Vaſſals, may Depoſe Kings, and Abrogate the Laws.*

6. De Laicis, c. 8. — 6. *That Church-men are as far above Kings, as the Soul is above the Body.*

7. De Pontif. Lib. 5. c. 8. — 7. *That Kings may be Depoſed by their People for divers Reſpects.*

8. De Pontif. Lib. 2. c. 26. — 8. *But Popes can be Depoſed by no means, for no Fleſh hath Power to Judge of them.*

9. De Pontif. Lib. 4. c. 15. — 9. *That Obedience due to the Pope, is for Conſcience ſake.*

10. De Clericis, c. 28. — 10. *But Obedience due to Kings, is only for certain Reſpects of Order, and Policy.*

11. Ibidem. — 11. *That thoſe very Church-men that are Born, and Inhabit in Soveraign Princes Countries, are notwithſtanding not their Subjects, and cannot be Judged by them, although they may Judge them.*

12. Ibidem. — 12. *And that the Obedience that Church-men give to Princes even in the meaneſt, and meer Temporal Things, is not by way of any neceſſary Subjection, but only out of Diſcretion, and for Obſervation of good Order and Cuſtom.*

“Here we find what baſe Eſtimation Prelates had of Princes; may we not then juſtly except againſt their delivery (as it is by them urged) *No Biſhop, No King?*

Whoever will have the Patience to read over this long and tedious Speech, and compare it with the Hiſtories of thoſe Authors which he has gleaned it from, may poſſibly find the matters of Fact either miſtaken, or falſly repreſented; nor indeed can we give intire credit to all that was written by the Monks of thoſe Times, who being great Enemies to the Biſhops, may be ſuppoſed very partial in relating ſome Paſſages of their Lives: however, it is not my Province to vindicate the Ill Actions of any ſort of men whatever, and is confeſſedly known, that ſeveral of thoſe Biſhops, as particularly *Becket* the famous Romiſh Saint, were notorious Traytors, and ill men.

But that which I think ought not to be paſſed by without animadverſion, is the Weakneſs of this Gentleman's Argumentation; for it is evident that the main ſtreſs of his Argument is from the Actions of former ill Biſhops to prove the neceſſity not only of taking from them all Temporal Power and Eſtate, but alſo to Aboliſh and Extirpate the very Office: for when ever he or any of his Party talk of Reformation, as he does when he tells you, *They were degenerated from the Primitive Inſtitution, and that he only wiſhes there were Reformation, not Demoliſhing, but Amendment and Reſtitution*; the Reader is to Underſtand, that by thoſe ſoft Words of *Reformation*, *Amendment*, *Reſtitution* and *Primitive Inſtitution*, is meant the Utter Extirpation of Epiſcopacy as then it ſtood, and the Reducing it to the *Geneva ſtandard*, which with them was a Reſtitution of it to its *Primitive Inſtitution*.

Now how weak and inconſequential the Argument is from the Abuſe of any Office, Power, Dignity, Truſt, or Order, to argue the Abolition or Taking it away, there needs little more to be ſaid, then that Admitting the truth of this for a Practicable and Neceſſary Maxim, all Laws, Government and Order muſt ceaſe in the World; for it will as neceſſarily follow, That becauſe there have been ill Kings and Parliaments, Magiſtrates and Laws, Therefore they ought wholly to be taken away; as, becauſe there have been ill Biſhops, that therefore the whole Order ought to be Aboliſhed. And indeed, a few Years ſucceeding brought the ſame Conſequences and Effects upon the King and Houſe of Lords, as it had done upon the Biſhops, who for Mal-adminiſtration, and pretended Miſcarriages, by the Uſurpation of theſe ſoft Reformers and Reducers of Men to their Primitive Inſtitution, were both Exauctorated and diſcharged of any ſhare in the Government, and many of them, with the King himſelf of his Royal Crown and Innocent Lives, verifying literally to a tittle, what he takes ſuch pains to confute in the Cloſe of his Speech as a falſe and fooliſh Maxim, *No Biſhop, No King*.

And certainly this Gentleman ought to have conſidered, that Eccleſiaſtical Perſons, have in all Ages, in all Places of the World, under all Governments, among all Religions, Pagan, Jew, Chriſtian, Mahometan, univerſally had a ſhare in the Adminiſtration of Civil Affairs, and particularly in Legiſlation, ſo far as the preparing of Laws for the Royal Impreſs amounts to; and with very good reaſon, by a Rule which upon ſome Occaſions theſe Gentlemen have a Great Veneration for, *Quod tangit Omnes, ab Omnibus debet tractari*: and Eccleſiaſticks as well as others being to be bound by Laws, ought to have their part in preparing and conſenting to them. And further he ought to have conſidered, that Under the Jewiſh Oeconomy inſtituted by the Only Wiſe God himſelf, the chief Adminiſtration of all Civil as well as Religious Affairs was Veſted in the Eccleſiaſticks.

And for our Engliſh Conſtitution, the Laws had incorporated the Epiſcopal Order into the Very Fundamentals of the Government, making them one of the Three Eſtates of the Land, as they are by ſeveral Acts declared; and to their Sitting not only in Parliament, but in all Great

May, 1641.

Councels during the *Saxon* Government all Records, ſo long as we have any, unanimouſly inform us, ſo that they had an immemorial Preſcription for their Right; and it was an ill preſage what the future Reformation would prove, when it was begun with the over-turning of one of the three Fundamental Pillars upon which the Weighty Frame of the Government was built.

After all the long Harangue of the ill Actions of former Biſhops in the times of Popery, when he comes in the period of his Speech, as one would reaſonably have Expected, to ſpeak ſomething to purpoſe of the Proteſtant Biſhops, inſtead of that, as if he had deſigned to Gratifie the Papiſts, he falls to calumniate the firſt Reformers, *Cranmer*, *Ridley*, &c. as factious turbulent Traytors and Incendiaries; and when he comes to thoſe of his own time, the Pope of *Lambeth* and his Cardinals *Wren* and others, as he is pleaſed to ſtile the Archbiſhop and Biſhops, he makes a moſt hideous Out-cry of *Popery*, *Arminianiſm*, *Idolatry and what not; of irreligion to the Deity*, *miſchief and danger to the King*, *and prejudice to the People and Kingdome*; without offering ſo much as one ſingle teſtimony or proof, by any Action, Word, or Writing of theirs, to ſupport ſo groſs and black a Charge. But this was a Method theſe Worthy Patriots had learnt from the Jeſuits, *Fortiter calumniare*, *aliquid hærebit*, to throw all the dirt imaginable upon the Albs and Lawn Sleeves of the Biſhops, not doubting but ſome of it would ſtick to them in the opinion of the People; and they were ſuch great Maſters in the Art of Blackening, that I think even the Great Maſter of the Black Art, who has his name from calumniating and falſly accuſing the Innocent, might have been their Schollar, as doubtleſs he was their Tutor in this helliſh Trade.

But to leave Mr. *Thomas* with his long Speech, let us return to the other Affairs; the Faction was now under great Fears of both the *Northern* Armies, who were not only Diſcontented for want of Pay both *Scots* and *Engliſh*; but ſeveral of the latter ſeeing Evidently whither this procedure of the Anti-Epiſcopal Faction tended, had ſome warm thoughts about them, to endeavour to prevent it while they had the power in their hands; knowing that as ſoon as poſſible, the King would be ſtript of this Power, and thoſe Forces be Disbanded; but the matter, it ſeems, was either not ſo well contrived, or ſo ſecretly managed, but that it took air, and ſo fired the Faction, that they preſently blew it up into a flaming Conſpiracy againſt the Parliament; ſome ſparks of which flew into the City, which was all in a hubbub, by a falſe report that the Parliament-Houſe was on fire; a Plot there was to be, that was certain; but it ſeems they were miſtaken in the Nature of it; however for the preſent the Houſe of Commons writ to the Army, the Letter being directed to Sir *John Conyers* and Sir *Jacob Aſhley*, to look to their Charges and keep the Army in Good Order. The Letter follows.

The *Speaker's* Letter to Sir *Jacob Aſhley*, *May* 4. 1641.

SIR,

WEE have had Cauſe to doubt, that ſome ill-affected perſons have endeavoured to make a miſ-underſtanding in the Army, of the Intentions of the Parliament towards them; To take away all miſtaking in that kind, the Houſe of Commons have Commanded me to aſſure you, That they have taken the Affairs of the Army into their Serious Care; And though for the preſent their Monies have not come as they wiſhed, and as was due, by reaſon of the many Diſtractions and other Impediments, which

May, 1641.

this Houſe could no wayes avoid, yet they would have them reſt aſsured, that they ſhall not only have their full pay, but the Houſe will take their merits into their further Conſideration, in regard they take notice, that notwithſtanding their want, and endeavours of thoſe ill-affected perſons, they have not demeaned themſelves otherwiſe, then as men of Honor, and well affected to the Commonwealth; which this Houſe takes in ſo good part, that we have already found out a Way to get Money for a good part of their Pay, and will take the moſt ſpeedy Courſe we poſſibly may for the reſt. So I remain

From my Houſe at *Charing-Croſs* the 4*th* of this preſent Month of *May*, 1641.

Your very Loving Friend, &c.

Sir, *'Tis the Pleaſure of the Houſe, that this Letter be communicated to the Army, to the end their Intentions may be Clearly underſtood by them.*

Wedneſday, May the 5th.

This day a Letter from the *Scotiſh* General *Leſly* to Sir *John Lowther* and the Gentlemen of *Cumberland* was produced and twice read in the Houſe.

Proteſtation ordered to be Printed and ſent down into all Counties.

It was this day Ordered alſo, That the Proteſtation ſhould be forthwith Printed, and ſent down into all Counties, Corporations and Buroughs, to all Sheriffs and Juſtices of the Peace: and to intimate to them, with what Willingneſs the Members of the Houſe took it; and as they juſtifie the taking it in themſelves, ſo they cannot but approve it in them that ſhall likewiſe take it.

And for the promoting of the taking of it, theſe following Directions were Printed together with the ſaid *Proteſtation*, and diſperſed throughout the Kingdom; this was intended for a fatal *Shibboleth* to know the ſtrength of the Faction, and to be a Mark of Diſcrimination between their Friends and Enemies; and was more particularly deſigned for a Snare for the Orthodox and Epiſcopal Clergy; and that Clauſe in the *Directions* to return the Names of thoſe who refuſed to Enter into this Confederacy againſt the Church, made many timerous perſons doubtleſs do an Action, for the juſtifiableneſs whereof they had no great Aſſurance. The *Directions* were theſe:

Printed Directions for taking the Proteſtation.

IT is thought fit that the Proteſtation *which the Parliament lately made be taken by the City of* London, *in the ſeveral Pariſh Churches, in the afternoon of ſome Lords Day, after Sermon, before the Congregation be diſſolved, by all Maſters of Families, their Sons, and Men-Servants, in manner and from following,* viz.

Firſt, That forthwith Notice of this Intention be given to the Miniſter, Church-Wardens, and ſome other meet perſons of each Pariſh in London, *Liberties, and adjacent Pariſhes, and ſome of them to give notice to the reſt of the Pariſhioners.*

Secondly, That the Miniſter be intreated to acquaint his Pariſh in his Sermon, either Forenoon or Afternoon, with the nature of the buſineſs, more or leſs, as he ſhall think fit, for the better and more ſolemn taking of the ſaid Proteſtation; *or if the Miniſter refuſe it, that ſome other be intreated to Preach that will promote the buſineſs; or if neither of theſe may be had, that ſome other convenient courſe be taken by ſome well affected to the buſineſs, to ſtay the Pariſh, and communicate the matter to them.*

Thirdly,

May, 1641.

Thirdly, That the Miniſter or Miniſters of every Congregation firſt take it in his or their own perſon, reading the ſaid Proteſtation *in ſo diſtinct a Voyce, that all preſent may conveniently hear it, and that all the Aſſembly preſent do make the ſame Proteſtation diſtinctly after this manner, every man taking this* Proteſtation *into his hand.*

I A. B. do in the preſence of Almighty God freely and heartily promiſe, vow, and proteſt the ſame which the leading perſon took, *naming the perſon.*

Fourthly, That there be a Regiſter Book wherein every man taking this Vow or Proteſtation ſubſcribe his Name, with his own hand or mark, and that the Names be taken of ſuch as do refuſe the ſame.

Fifthly, That all the Pariſhioners aboveſaid, whether in Town, or out of Town, be earneſtly requeſted to be preſent at their own Pariſh Church in the Afternoon of that Lords Day whereon it ſhall be taken, that every man may take it in their own place; and if any be neceſſarily abſent, that they may be deſired to take it the next Lords Day after, or ſo ſoon as may be with Conveniency.

Sixthly, and laſtly, That all whom it doth not immediately concern, be earneſtly requeſted to depart.

It was further Ordered, *That all Members about Town be warned to appear at* 8. *of the Clock to morrow, and non-appearance to be accounted a Contempt of the Houſe, upon which the Houſe will proceed as againſt perſons not worthy to Sit in the Houſe; and that none go out of the Town without ſpecial Leave from the Houſe.*

Earl of *Newport* made Conſtable of the *Tower.*

The Earl of *Holland* ſignified to the Houſe of Lords, That he was Commanded by his Majeſty to let their Lordſhips know, that he hath made the Earl of *Newport* Conſtable of the Tower of *London.*

They began alſo now to caſt an oblique Aſpect upon the Sword, as hitherto they had done upon the Scepter and Royal Prerogative, as appears by this following Vote and Order which was a neceſſary Preliminary Point, to their wreſting the Militia, Forts and Caſtles from the King, as afterwards they did; for well they knew, that without the power of the Sword, they could never hope to mate the Scepter: It was therefore Ordered,

Order to Enquire into the Condition of the Forts, &c. and to take Account of the Militia, and to arm the Countries.

That the reſpective Knights, Citizens and Burgeſſes give an Account of the ſtate of the Shires, Cities and Burroughs for which they ſerve, for Arms and Ammunition, Caſtles and Forts, and of the Governors, Lord Lieutenants and Deputy-Lieutenants, how affected to the Religion, and to preſent their Names to the Houſe; and that where there is want, that Arms and Ammunition may be ſupplyed.

By this Means they got a true account of all thoſe who were their Friends, and who their Enemies, who were therefore to be diſplaced as diſaffected to Religion, and Popiſhly inclined; as all thoſe who were for Epiſcopacy, were vogued to be: and beſides, hereby they gave a General Alarm and Amazement to the Whole Nation to believe that thoſe Fears and Jealouſies with which they bewitched the People into Rebellion, were grounded upon the foundations of Truth and real Danger, which was the Occaſion of this Inquiry into the ſtate of the Militia.

Upon

May,
1641.

Upon this a Meſſage was ſent to the Lords, to acquaint them with a dangerous Conſpiracy to ſeduce the Army againſt the Parliament, and to increaſe the Fears and Jealouſies among the People, an Order was ſent from the Commons to the Lord Mayor of *London*, to take care of the City Guards: The Meſſage to the Lords was *in hæc verba.*

Meſſage to the Lords about the Conſpiracy to ſeduce the Army.

Mr. *Hollis* who carried up the Meſſage, read it in theſe words, *That the Houſe of Commons hath received ſuch Information as doth give them juſt cauſe to ſuſpect, that there have been, and ſtill are ſecret practices to diſcontent the Army with the proceedings of Parliament, and to ingage them in ſome Deſign of dangerous Conſequence to the State, and by ſome other miſchievous ways to prevent the happy ſucceſs and concluſion of this Parliament.*

Meſſage about the Conſpiracy of the Army.

And becauſe the timely diſcovery and prevention of theſe dangerous Plots doth ſo nearly concern the ſafety both of * *King and Kingdom, they deſire your Lordſhips would be pleaſed to appoint a ſelect Commitee, to take the Examinations upon Oath of ſuch perſons, and Interrogatories as ſhall be preſented unto them by the Directions of the Houſe of Commons, and in the preſence of ſuch Members of that Houſe as ſhall be thereunto appointed, with Injunction of ſuch Secrecy as a buſineſs of this nature doth require.*

*** Yet afterwards they did all that was poſſible to perſuade the People, that the King was in this Conſpiracy.**

They have Ordered, That ſuch Members of their Houſe as ſhall be thought fit, ſhall upon notice be ready to be Examined; and they deſire your Lordſhips would be pleaſed to order the like for the Members and Aſſiſtants of your own Houſe.

And further it is deſired, That your Lordſhips will forthwith ſend to his Majeſty to beſeech him in the Name of the Parliament, upon this great and weighty occaſion, that no Servants of his Majeſties, of the Queen or Prince may depart the Kingdom, or otherwiſe abſent himſelf, without leave from his Majeſty, with the humble advice of the Parliament, until theſe Examinations be perfected.

Whereupon it was Ordered, That this Houſe will joyn with the Houſe of Commons in all that they deſire; and theſe Lords following were Deputed to take the Examinations, Earl of *Bath*, Earl of *Eſſex*, Earl of *Warwick*, Earl of *March*, Viſcount *Say* and *Seal*, Lord *Wharton*, Lord *Paget*, and Mr. Serjeant *Glanvile*, and Mr. Attorney General, to write and ſet down the Examinations.

There being never a Biſhop in the Commitee, a *Memorandum* was entered in the Journals.

A Salvo for the Biſhops.

Memorandum, *Whereas none of the Lords the Biſhops are joyned with the aforeſaid deputed Lords, it was declared by the Houſe, that it ſhould be no prejudice to the Lords the Biſhops.*

This being done, the Lord Great Chamberlain, the Lord Steward, the Lord Chamberlain, the Earl of *Dorſet*, and the Earl of *Newcaſtle* were appointed to wait on his Majeſty with the aforeſaid requeſt of the Parliament, to which they brought this Anſwer.

That his Majeſty hath willingly granted it, and gave a preſent Command to the Lord Chamberlain, the Earl of Newcaſtle, *and the Earl of* Dorſet *to give notice hereof to all under their Charge, that none*

The Kings Anſwer concerning his Servants.

do

May, 1641.

do depart the Kingdom without the King's Licenſe, but to be forthcoming upon demand; which accordingly they have already done.

After which the Oath of Secrecy was given to Serjeant *Glanvile*, and Mr. Attorney, in theſe words.

The Oath of Secrecy given by the Lords, to Serjeant *Glanvile*, and Mr. Attorney, aſſiſtant to the Committee of Lords, to Examine the Conſpiracy.

YOU ſhall Swear, That in your writing and ſetting down of the Examination of the Witneſſes to be produced before the Lords, deputed to take Examinations upon Interrogatories to be produced by the Houſe of Commons, concerning the Engliſh *Army in the North, and in all things concerning the ſame: You ſhall well, truly and faithfully behave your ſelves, and not diſcover the ſame before the end of this Parliament, or Publication granted, or leave of this Houſe firſt obtained.*

The Perſons accuſed.

The Perſons Accuſed of this Deſign of ſeducing the Army againſt the Parliament, were Sir *John Suckling*, Mr. *Henry Percy*, Brother to the Earl of *Northumberland*, Mr. *Henry Jermyn*, Colonel *Goring*, Mr. *William Davenant*, Captain *Palmer*, Captain *Billingſley*, and Sir *Edward Wardourn*; and Warrants were iſſued out againſt them, to bring them under the Examination of the Houſe of Commons.

Thurſday, May 6.

This day there paſſed little of Moment, the Commons being taken up with Reading ſeveral Bills, one for the ſecurity of the True Religion, the Safety and Honour of his Majeſties Perſon, the juſt Rights of the Subject, and the better diſcovering and puniſhment of Popiſh Recuſants; as alſo another Bill for Subſidies: With which guilded baits they not only Angled for Popular Favour, but alſo endeavoured to hide their Antimonarchical Deſigns againſt his Majeſty, by theſe ſpecious pretences of endeavouring to ſtudy his Safety and Honour.

The Houſe was this day informed, That the Perſons againſt whom the Warrants were Iſſued, upon the Accuſation of their endeavouring to ſeduce the Army, were not to be found; whereupon at a Conference it was deſired, that all the Ports might be ſtopped, upon which the Lords made this Order.

The Order of the Lords for ſtopping the Ports.

Ordered, *That all the Ports of* England *ſhall be forthwith ſtopped until the pleaſure of this Houſe be further known, and none to depart the Kingdom, except Sir* Thomas Roe, *and ſuch as he will be anſwerable for, who is to give in their names to this Houſe. And in particular, ſtay is to be made of* Henry Percy *Eſq;* Henry Jermyn *Eſq; Sir* John Suckling *Knight,* William Davenant *and Captain* Billingſly, *that they depart not out of this Kingdom, but are to be apprehended, and ſafely conducted with all ſpeed unto this Houſe.*

Directed,

To the Right Honourable *Algernon* Earl of *Northumberland*, L. High Admiral of *England*.

To *James* Earl of *March*, Lord Warden of the *Cinque-Ports*.

To *Jerom* Earl of *Portland*, Captain and Governour of the Iſle of *Wight*.

To *George Goring* Eſq; Governour of *Portſmouth*.

After which Sir *Philip Carteret*, Lieutenant Governour under Sir *Thomas Jermyn* of the Iſle of *Jerſey*, having given an Account of the ſtate of the Iſle, was Ordered to repair to his Charge there; and if Mr. *Percy*,

Percy, Mr. *Jermyn*, &c. were there to apprehend them, and cauſe them to be ſafely conducted to the Houſe of Lords.

Frid ay *May* 7. Heads of a Conference about the preſent dangers of *Portſmouth*, and the *French*.

A Conference was this day appointed to be had with the Lords, to acquaint them that divers perſons, who were ſuſpected to have a hand in the Conſpiracy, and that in order to the diſcovery of it, ſhould have been Examined, were gone; that new Informations were brought to the Commons of ſeveral *French* Forces lay in *Piccardy* to be Tranſported into *England*, probably into *Portſmouth*, and to deſire their Lordſhips to joyn with this Houſe for the Diſcovery of theſe Practices; and that ſome Forces may be drawn out of *Wiltſhire* and *Barkſhire* for ſecuring of *Portſmouth*.

Sir *Walter Erle* was alſo ordered to go down into *Dorſetſhire*, to take care of the preſervation and ſafety of that County.

Sir *Hugh Cholmley* to go to the Lords, to deſire them to move his Majeſty, that the Earl of *Eſſex* in this time of danger may be made Lord Lieutenant of *Yorkſhire*.

A Proclamation was drawn to bring in Mr. *Percy*, &c.

Proclamation to bring in Mr. *Percy*.

W*Hereas* Henry Percy *Eſq;* Henry Jermyn *Eſq; Sir* John Suckling *Knight*, William Davenant *and Captain* Billingſly *being by order of the Lords in Parliament to be Examined, concerning deſigns of great danger to the State, and miſchievous ways, to prevent the happy Succeſs and Concluſion of this Parliament, have ſo abſented and withdrawn themſelves as they cannot be Examined; His Majeſty by the advice of the ſaid Lords in Parliament, doth ſtrictly charge the ſaid* Henry Percy *Eſq;* Henry Jermyn *Eſq; Sir* John Suckling, William Davenant, *and Captain* Billingſly *to appear before the ſaid Parliament at* Weſtminſter, *within Ten days after the Date hereof, upon pain to undergo ſuch forfeitures and puniſhments as the ſaid Lords ſhall order and inflict upon them.*

Earl of *Briſtols* Report about disbanding the *Iriſh*-Army, *May* 7.

The Earl of *Briſtol* Reported to the Lords Houſe, That his Majeſty had taken a reſolution for the disbanding of the new *Iriſh* Army; to that purpoſe an eſtimate hath been given in to the King of the Charges, that 10000 *l.* will now do it. Whereupon there is order taken for the ſpeedy Raiſing and Returning of Moneys to that intent: And Sir *Adam Loftus* Vice-Treaſurer of *Ireland* hath engaged himſelf to repay in *September* next, thoſe Monies ſhall be disburſed by the Earl of *Cork* and others in the interim for that purpoſe.

That likewiſe there is care taken how to diſpoſe and imploy the ſaid Soldiers, that they may not be troubleſome to that Country; to that purpoſe there are Eight Colonels and Captains Nominated, who will take off theſe Men and Tranſport them to Forreign Parts, which his Majeſty will give way unto, if it be to a Prince that he is in Amity with; provided, that theſe Commanders do give the King and Parliament an Account both of their Perſons, and their Imployers, before they have the Command of the Soldiers.

***Saturday*, *May* 8.**

Mr. *White*, Chair-man of the Committee for Scandalous Miniſters, Reports the matter of Complaint exhibited againſt *Edward Finch* Vicar of *Chriſt-Church, London*: Upon which theſe Votes paſſed.

Votes about Mr. *Finch* Vicar of *Chriſt-Church, London*.

Reſolved, &c. That the ſaid *Edward Finch* is guilty of practiſing Innovations in the Church; Non-Reſidency, foul Extortion, neglect of the Duty of his Function, and prophaning the Sacrament; a Man of

May, 1641.

prophane Life, ſcandalous in his Doctrine and Converſation, and a hinderer of preaching.

Reſolved, &c. That the ſaid *Edward Finch* is a man unfit to hold any Benefice or Promotion in the Church.

Mr. *White* is Ordered to tranſmit this Caſe to the Lords, that the Pariſh may be eaſed of him.

Thus early did they begin to ſtrike at Root and Branch of Epiſcopacy, for all thoſe who were obedient to their Governours in the Church, or thought God Almighty ought to have bodily Worſhip and Adoration in thoſe places where he has put his Name, and made them Houſes of Prayer; all thoſe who thought kneeling at the Receiving the Holy Sacrament neceſſary, or any other decent Poſtures, Geſtures, or Veſtments that might outwardly ſignifie inward Veneration and Homage Lawful and Expedient, were upon the ſlighteſt Accuſations voted Guilty of Innovation, Prophaneneſs, and unworthy of any Promotion in the Church. And as Mr. *Symmons* in his Vindication of King *Charles*, who was an Eye-witneſs of this terrible Perſecution, informs us, *All Accuſations againſt any, though the beſt Miniſters, by the moſt malicious and lewdeſt perſons, were invited by Ordinance, incouraged and admitted of without any proof at all.* And it can be no wonder that the Orthodox Clergy ſuffered ſo deeply both in their Reputation and Eſtates, when not only their Accuſers which moſtly were the ſeveral Sectaries in their Pariſhes, or ſuch others as went about to defraud them of their juſt Dues, were their moſt inveterate Enemies; but their Judges too were frequently both Parties in promoting and managing thoſe Accuſations, and by their open favouring their Accuſers ſhewed the partiality of Enemies.

Symmons Vindicat. of King Charles, p. 73.

The Faction ſaw the abſolute neceſſity of getting the power of the Sword into their hands, both to juſtifie what they had already done, and to ſupport them in what they intended by their pretended Reformation, which was totally to aboliſh Epiſcopacy in the Church, and to clip the Wings of Prerogative, if not wholly to take away the Government of Monarchy it ſelf: Now to the accompliſhment of this deſign upon the Militia, Navy, Forts, Magazines and Strength of the Nation, all Arts imaginable were uſed to gain the People; the great pretences were Liberty, Property and Religion; for as Mr. *Hambden*, one of the principal Grandees of the Faction, told a private friend, without that, they could not draw the People to aſſiſt them. The great Rubb in their way to the gaining of the People they knew would be the Loyal and Orthodox Biſhops and Clergy, theſe therefore were to be removed, that ſo Creatures of their own might be introduced into Corporations, and eſpecially into the City of *London*, who might from the Pulpit preach the Oracles of Sedition and Rebellion, delude the People, animate and incourage them to aſſiſt the Parliament in this Glorious Reformation, by putting the power of the Sword into their hands.

That they might effect this, they did not only obtrude Lecturers by order of the Houſe upon moſt Churches of Note in *London* and elſewhere, but by their means, and the reſtleſs malice of the Sectaries, were perpetually Petitioning and Articling againſt the Epiſcopal Clergy. And to encourage this Trade of Parſon-hunting, as the factious Sectaries called it, and which did extreamly tie them to the Parliament, a pretended Order of the Houſe of Commons was printed and diſperſed all over *England*, which when complained of, though diſclaimed by the Houſe within doors, yet was it never Counter-manded; no Penalty inflicted upon the

May.
1641.

the Printer, Publiſhers or Spreaders of this Counterfeit Order, nay they were not ſo much as once queſtioned for it. By the Encouragement of this Order, and the Countenance this Petitioning and Articling againſt the Clergy found from the Committee for Religion, there were above 2000 Petitions Exhibited in a ſhort time againſt them, in which they were charged with the moſt horrid Crimes of Adultery, Prophaneneſs, Swearing, Drunkenneſs, and indeed what not? Every accuſation was not only received but Credited, inſomuch that few or none of the Loyal Clergy Eſcaped the laſh, *Honeſty and Learning being then*, as Mr. *Selden* ſaid, *Sins enough in a Clergy-man.* And when ever the Reader ſhall hereafter meet with any of theſe Votes againſt the Clergy, he is to look upon them rather as Marks of Honeſty, and honourable Scars of their Wounded Reputation, then brands of ignominy, or real Crimes; for all their Sufferings proceeded only from their being guilty of Loyalty to their Sovereign Lord and King, and Obedience to their Superiors and the Laws of the Church, and of the State too as then it was Eſtabliſhed.

But to paſs forward, this New Plot of ſeducing the Army, with which not only *London* but the whole Nation rung again, was of Extraordinary Service to them, and from the Rumors which were ſpread of a *French* and *Iriſh* Army to be landed to joyn with the *Engliſh* Army, the Phanatical Party took Occaſion to provide themſelves with Arms and Ammunition, of which afterwards they made ſufficient advantage, when the Conteſt between the King and the Two Houſes grew ſo high as to come to the fatal deciſion of the Sword.

A Letter was this day Ordered to be ſent to the Army in order to the diſcovery of this Conſpiracy againſt the Parliament, and *Mr. Speaker* was ordered to ſend Copies of it under his hand to Sir *John Conyers* and Sir *Jacob Aſhley*. The Letter was thus penned:

The Speaker's Letter to the Army.

SIR,

WHereas there have been juſt Cauſes of Jealouſies that there have been ſome ſecret Attempts and Practices to infuſe into the Army a miſlike of this Parliament, to ſome dangerous intent and purpoſe againſt the State; and that now the matter is grown unto a ſtrong preſumption upon further diſcoveries, and by reaſon that ſome of thoſe which were ſuſpected to have been Active therein, are fled upon the firſt ſtirring thereof, before ever they were once named. It hath pleaſed this Houſe to declare, That notwithſtanding they intend to ſearch into the bottom of this Conſpiracy, yet purpoſing to proceed Eſpecially againſt the Principal Actors therein, this Houſe hath reſolved (whereunto the Houſe of Peers hath likewiſe conſented), That for ſuch of the Army as the Conſpirators have endeavoured to work upon, if they ſhall teſtifie their Fidelity to the State by a timely diſcovery of what they know and can teſtifie therein, they ſhall not only be free from all puniſhment, but alſo ſhall be Eſteemed to have done that which is for the Service of the State in diſcovery of ſo dangerous a Plot againſt it. And for ſuch of the Army as are, and ſhall be found no wayes tainted with this dangerous Deſign, or knowing any thing thereof, ſhall make ſuch diſcovery as aforeſaid, as this Houſe ſhall no wayes doubt of their Loyalty and Fidelity, ſo it will have an Eſpecial Care not only to ſatisfie all ſuch Arrears as this Houſe hath formerly promiſed to diſcharge, but alſo give a fair Teſtimony of the Senſe they have of their preſent and *paſt Want; And it is Ordered by this Houſe, That immediately after the receipt hereof, you ſhould communicate this their Declaration unto all the Officers and Members of the Army under your Command.*

Your very Loving Friend, &c.

Ceſſation prolonged for a Month from *May* 16.

It was this day alſo Agreed to a further Ceſſation of Arms for a Month longer, to begin from the 16. of *May*, if the Treaty ſhall ſo long continue.

Monday, May the 10*th.*

A Bill was read the firſt and ſecond time for better levying and raiſing Mariners and Saylors and others, for the defence of the Kingdom.

Search for Arms at *Lambeth.*

An Information was alſo given in, or at leaſt ſo pretended, to render the Archbiſhop more Odious to the Populace, and to Exaſperate them againſt Him and the Reſt of the Biſhops that there were great Stores of Arms and Ammunition laid up at *Lambeth*, in Order, as was buzzed about among the Faction, to promote ſome ill Deſigns againſt the Parliament; whereupon Sir *John Evelyn* and Mr. *Broxam* were Ordered to go over to *Lambeth*, to view what Arms were there; and ſome others were appointed to ſearch about the Parliament Houſe, leſt any Plot ſhould be ſecretly hid there: or rather in truth to amuſe the People by theſe ſtrange Fears and Jealouſies, and keep them up in that Heat in which they were againſt the Government.

Money to be borrowed of the City upon Paſſing the Bill of Attainder, and Bill for Parliament.

This Day were paſſed, as before was obſerved, the Fatal Bills for the Attainder of the Earl of *Strafford*, and for the continuance of this Parliament; upon which the Citizens and Burgeſſes for *London* were ordered to repreſent to the Lord Mayor and Court of Aldermen and Common Councel what paſt this day concerning the Bill of Attainder, and the Bill for the Sitting of this preſent Parliament, and to move for a preſent Anſwer to be given for the Sixſcore thouſand pounds promiſed to be lent by the City for the great Occaſions of the Kingdom.

There goes a Story which I have heard confirmed for truth, That a certain Witty Nobleman, the next morning after the paſſing this Bill for the Continuance of this Parliament during their Pleaſure, coming to the King's upriſing, Saluted him in this Familiar manner, *Good morrow fellow Subject.* Which though at preſent it did only a little ſurprize his Majeſty, yet afterwards he found that no leſs was by that *ACT* intended by the Faction, who treated him as a Co-ordinate third Eſtate.

Meſſage from the King concerning the Lord *Cottington*, &c.

Mr. Treaſurer *Vane* brings a Meſſage from the King to the Houſe to acquaint them, *That his Majeſty had already given Directions to prepare a Patent to make my Lord of* Saliſbury *Lord Lieutenant of* Dorſetſhire, *the Lord* Cottington *having offered to ſurrender his Patent; and that the Houſe may hereby ſee how ready his Majeſty is to ſatisfie all their Juſt Requeſts, being reſolved to repoſe himſelf intirely upon the Affections of his People.*

The Commons Anſwer.

To which Meſſage Mr. Treaſurer was Ordered barely to return the Thanks of the Houſe; whereas formerly, upon far leſs Occaſions, more Dutiful Commons were ever wont to return their Anſwer with the Stile of *His Majeſties Gracious Meſſage*; and theſe Men could upon occaſion, and when they had an intention to flatter the King in order to ſome further Favours, do it themſelves.

Thus did this Great Prince indeavour in every thing to oblige this ſtubborn Faction; but alas! he met with nothing but ingratitude from their Presbyterian Temper, who looked upon what ever he gave, as his

Duty,

May,
1641.

Duty, and conſtrued his moſt Gracious Conceſſions to be the Effects of his Fear, not his Bounty; and from thence they took courage to raiſe their demands higher, as hereafter we ſhall ſee.

This day the Bill for preſſing Marriners and others was paſſed, and Ordered to be ingroſſed.

The Earl of *Briſtol* ſignified to the Houſe of Lords, That the *Scots* Commiſſioners had deſired the Lords Commiſſioners to preſent to the Parliament an Extract which they have made of a Letter ſent them from the Committee at *New-Caſtle* dated the 30*th* of *April*, which was read. *Viz.*

Extract of a Letter from *Newcaſtle* read in the Houſe of Lords.

WE find by Sad Experience, that if a way had been invented to ruin us, there could not be one more ready then this undermining of us by granting new Ceſſations, and keeping back of the Monies promiſed for our daily Maintenance, which makes us Earneſtly to recommend to your Lordſhips Care, the preſſing of Money for us with ſpeed, and to conſider well of our Eſtate in caſe any new Ceſſation be deſired.

We perceive likewiſe the ſame Effects to follow upon the Prorogation of the Parliament, for the Countrey by delay of Juſtice, ſtop of Trade, keeping up Armes within, and ſending their Victuals to us, is ſo exhauſted, that e're it be long this Remedy will be worſe then the Diſeaſe.

Theſe Conſiderations make us to intreat your Lordſhips with all earneſtneſs to preſs for an Anſwer of our Demands, and a Concluſion of the Treaty in ſuch a way as your Lordſhips ſhall think fitting, having reſpect firſt to the Cauſe in hand, and next to the Condition of our Army and the Eſtate of the Country at home.

Then his Lordſhip told them that the Scots *have received an Anſwer from the King of thoſe Articles which his Majeſty had undertaken to conſider of; and declared the earneſt deſire that the* Scots *Commiſſioners had expreſt to the Lords Commiſſioners to have an end of the Treaty, and the Peace ſetled, that ſo they may return into their own Countrey.*

Hereupon a Meſſage was ſent to the Commons to deſire a Conference by a Committee of both Houſes preſently touching the Treaty of both Kingdoms.

Some Recuſant Lords take the Proteſtation.

Divers Recuſant Lords declared to their Houſe, that they were ready to take the Proteſtation, ſo much as concerns the Civil part of it, ſo they might be diſpenſed with for the matters of Religion which binds their Conſciences, which the Houſe giving way to, the Lord Marquiſs of *Wincheſter*, the Earl of *Rivers*, and the Lord *Audley* made the Proteſtation accordingly.

Tuſday, May 11.

It was this day Ordered, That Mr. *Pym*'s Speeches at the beginning and end of the Lord *Strafford*'s Trial, as alſo Mr. *St. John*'s Argument in Law ſhould be Printed.

The Bill for Preſſing Seamen paſſed the Lords Houſe.

The Bill for the better Levying of Marriners was read a Third time: and being put to the Queſtion, It was Reſolved, That it was fit to paſs for a Law, *Nemine Contradicente*.

The Lords to intercede with the King for the Wife and Children of the Earl of *Strafford*.

It was alſo Reſolved, *That the Houſe of Lords ſhould become Suitors to his Majeſty about the Wife, Children and Creditors of the Earl of* Strafford, *that he will be pleaſed to take them into his Mercy and Conſideration.*

Tumults. A Conference about the Queen Mother.

There was alſo a Conference appointed to be had with the Lords, that ſome care may be taken of the Queen-Mother who was threatned by the Rabble. A great Character being given of her, that ſhe was a perſon of great moderation,and had expreſſed her deſire to the King that he ſhould Govern by Parliaments, how diſhonourable it would be to this Nation to ſuffer her to be treated with rudeneſs and inſolence in a place whither ſhe was come expecting Protection.

They had now raiſed a Devil to affright the King,which they began to be affraid of themſelves, for the Tumults grew ſo high, that 1000 Seamen being got together about the Tower, pull'd down Two Houſes, oppoſed the Trained-Bands who were ſent to diſperſe them, and in the Fray kill'd two of them and wounded others.

Wedneſday, *May* 12. Votes about Mr. *Will. Aſhton* Vicar of *Painſwick.*

Upon Report from the Committee for Religion concerning Mr. *Aſhton* Vicar of *Painſwick*, It was Reſolved &c. That the Vicar of *Painſwick*, Mr. *William Aſhton* is a common haunter of Ale-houſes, a common Drunkard, a frequent attempter upon the Chaſtity of Women, and unfit to hold any Benefice or Promotion in the Church, and the Caſe to be tranſmitted to the Lords.

I do not find this Gentleman Recorded by Mr. *White* the Chairman of this Scandalous Committee, which makes me apt to believe that his Crimes were too ſlenderly proved to indure the Light; and well we may judge him innocent notwithſtanding this heavy Charge,when even ſome of thoſe who were recorded in that ſhameleſs Book of *Centuries* who were Accuſed of Adultery and Drunkenneſs, had thoſe horrid Accuſations ſupported by no other proof than only *kiſſing a Woman in the preſence of Company, and the drinking only one half pint of Wine;* but the manner was to lay all manner of Crimes in the Petition and Articles, and if any of the leaſt, or which they called ſo, ſuch as bowing at the Name of Jeſus, Preaching againſt Sacriledge, or for Conformity &c. were proved, the Charge was ſuppoſed ſufficiently made good, and they were Treated accordingly, as if they had been the moſt notorious Criminals and thoſe Crimes moſt notoriouſly proved.

Bill for the Army, &c. and for ſhortning *Michaelmas* Term,paſſed the Lords Houſe.
Order to Pillory *Harwood*, and *Drinkwater* for Contempt of the Houſe.

The Bill for the further relief of his Majeſties Army and the Northern parts of this Kingdom, as alſo the Bill for abbreviating of *Michaelmas* Term, being Thrice read in the Houſe of Lords, upon the Queſtion, they were ſeverally agreed to be paſſed as fit for Laws.

It was alſo Ordered, That *Robert Harwood*, and *Thomas Drinkwater* for their Contempt of the Orders of the Lords Houſe, ſhould be ſet upon the Pillory in the new Palace-Yard at *Weſtminſter*, there to remain two hours in the Morning, with Papers on their Heads with this Inſcription, *For diſobeying and uſing ſcornful ſpeeches againſt an Order of the Vpper Houſe of Parliament.*

In the Commons Houſe, the Petition of the Univerſity of *Cambridge* for the maintenance of Epiſcopacy and Cathedrals were read, which as I find it in the Collection of Speeches commanded to be Printed by his Majeſty, to let the Nation ſee that it was only the Faction that deſired their overthrow, and not the whole Body of the Kingdom, was as follows.

Honoratiſſimis

May, 1641.

The Petition of the Univerſity of *Cambridge, May* 12. 1641.

Honoratiſſimis viris Equitibus, Civibus & Burgenſibus Supremæ Curiæ Parliamentariæ Senatoribus Conſultiſſimis ſumma cum Demiſſione.

Senatores Honoratiſſimi,

NOn veremur, ne volventibus tanta negotia moleſti ſimus Academia Cantabrigienſis, *cum nihil ſit aut ad Religionem certius, aut ad ſplendorem nominis excelſius, quam ſuſcipere Litterarum clientelam, in quo Studio, cum ſingularis Animi veſtri propenſio ſemper eluxerit, tum nulla in re magis poſſit eminere quam ſi Eccleſiæ honeſtamenta ea quæ ſub optimis Regibus tam diu obtinuerunt, indelibata tueamini.*

Non enim agitur unius Academiæ, non unius Ætatis cauſa; nam nec induſtria poterit non relangueſcere, nec bona indoles ali, neq; augeri, nec vota parentum non in irritum cadere, niſi ſpe non vana ſuffulciantur. Quam præmaturum bonis artibus occaſum imminere, ſi ſtipendium idem Militi ſit quod Imperatori? Sunt qui expediendis Scholaſticorum ambagibus, evolvendis antiquorum Patrum Monumentis, expurgandæ fæci Romanæ, *velut* Augæi *ſtabulo ſe totos impenderunt; nec aliam mercedem prenſant, quàm in Eccleſia Cathedrali tandem aliquando quaſi in portu conquieſcere; ita ſit ut quod ignavis Aſylum inſcitiæ eſt, id candidioribus ingeniis pro ſtimulo ſit ad optima perſequenda, nec æquitas judiciorum veſtrorum ferret, improbitatem nonullorum in publicam Calamitatem redundare.*

Impetigo Romana *quam amplam tum ſibi nacta videbitur ſe diffundendi materiam, cum non ſit niſi imbelles adverſarios habitura? neq; enim certamini vacare poſſunt qui id unicè agunt, ut in roſtris concionibus ſudent; etiamnum perſentiſcere nobis videmur nudam atq; inanem Academiam & antiquam paupertatem quaſi præludio perhorreſcimus: Nec veſtra progenies non aliquando ventura eſt in tantarum miſeriarum partes. Quin itaq; Senatores ampliſſimi per ſpes parentum, per illecebras induſtriæ, per ſubſidia ſimul & ornamenta pietatis, per vincula, nervos, & firmamenta litterarum, velitis ſplendorem Eccleſiæ, qui longiſſimis ab uſq; temporibus deductus eſt, authoritate veſtrâ communire. Sed quia linqua nativa dolores & deſideria ſua fælicius exprimit, annexam Litteris Petitionem, benevolis auribus excipietis.*

Honori veſtro Deditiſſimi
Procancellarius, reliquuſq; cœtus
Academiæ *Cantabrigienſis.*

Datæ è Frequenti Conventu noſtro *Cantabr.* tertio Idus *Aprilis,* 1641.

To the Honourable the Knights, Citizens, and Burgeſſes of the Houſe of Commons Aſſembled in Parliament,

The Humble Petition of the Univerſity of *Cambridge*

Sheweth,

THat your Petitioners having heard of divers ſuggeſtions offered to this Honourable Court by way of Remonſtrance, tending to the ſubverſion of Cathedral Churches; and alienation of thoſe Lands, by which they are ſupported, being the Ancient Inheritance of the Church, founded and beſtowed by the Religious bounty of many Famous and Renowned Kings and Princes of this Land, & other Benefactors both of the Clergy and Laity,

The Petition of the Univerſity of Cambridge, May 12. 1641.

and Eſtabliſhed and Confirmed unto them by the Laws of this Kingdom, and ſo accordingly have been employed to the advancement of Learning, the encouragement of Students, and preferment of Learned Men, beſides many other Pious and Charitable uſes.

May it pleaſe this Honourable Court, out of their great Wiſdom and tender Care for the cheriſhing of Learning, and furtherance of the Studies and Pains of thoſe who have, and do devote themſelves to the ſervice of the Church, graciouſly to protect and ſecure thoſe Religious Foundations from Ruine and Alienation; and withal to take order that they may be reduced to the due obſervation of their Statutes; and that all Innovations and Abuſes, which have by ſome Mens miſcarriages crept in, may be Reformed, that ſo the Students of our Univerſity, which by the preſent fears both are and will be much ſadded and dejected, may be the better invited to purſue their Studies with alacrity, and the places themſelves diſpoſed to the moſt ſerviceable and deſerving Men, according to their firſt Inſtitution.

And your Petitioners, as in Duty bound,
ſhall ever pray, &c,

The Defence of Deans and Chapters heard in the Houſe of Commons.

This day, for faſhion ſake, thoſe Gentlemen who deſired to ſpeak ſomething in defence of the Deans and Chapters were heard before the Houſe of Commons; and after Dr. *Burgeſs* had inveighed againſt the ſinging of the Service, alledging, That Devotion vaniſhed into Quavers, and that St. *Paul*'s Hymns were *Legentibus non Cantantibus*, and had run a long Harangue upon the neceſſary uſe of Prayer, and the power of Preaching; Dr. *Hacket* made a learned Speech in defence of thoſe Religious Foundations, ſhewing how much they tended to the Glory of God, the Advancement of True Religion, Promoting of Piety, Encouragement of Learning, and the good of the Common-wealth. The ſum of his Defence, ſo far as I can collect from thoſe broken fragments which are Entred in the Journal of the Houſe of Commons was as follows.

He ſhewed, That in the beginning of the Reformation of this Church from Popery, it was Queen *Elizabeths* great care to place the moſt Learned and Able Men in the Cathedral Churches; and that from thence the great light of the Reformed Religion ſpread it ſelf over this Nation, by the conſtant preaching that was maintain'd there every Lord's Day, beſides a weekly Lecture. That here were the Nurſeries and Seminaries of Learning, there being a Grammar-School to every Cathedral; that the great Encouragement to Learning was the future expectancy of Rewards, without which very few perſons would be induced to fit themſelves for Sacred Functions; that the Labour and Induſtry muſt be great and long, and the Charges extraordinary, to qualifie any Perſon for the Service of God and the Church; and that therefore theſe Encouragements are not more then enough to invite Men to theſe chargeable and laborious Studies.

Then he proceeded to ſhew the Primitive deſign of theſe Structures and Foundations, which was, That the Colledge of Presbyters might be as a Synod and Council to the Biſhop, to aſſiſt him in the Exerciſe of his Juriſdiction; that they were greatly for the Honour of our Religion, being the firſt Monuments of Chriſtianity in our Nation, dedicated to the Service of God, and ſet apart for the continual Exerciſe of Chriſtianity,

anity, continual Prayers and Praiſes being there offered up to God Almighty for all ſorts and conditions of Men.

Then he proceeded to ſhew the advantage of thoſe Foundations which the Church enjoyed by the Religious bounty of our devout Anceſtors, whoſe Wills ought to be had in Veneration. As firſt, to the Churches Tennants, who had very advantageous Leaſes many times not much different from Inheritance, paying only one part of Seven, rather as an acknowledgment than a Rent. Secondly, To the Cities wherein they were, by the great Reſort and Concourſe of People to thoſe places. Thirdly, To the Poor, who found there a conſtant relief from their Hoſpitality. Fourthly, To the King's Revenues, for that beſides their Firſt-fruits, Tenths, &c. no ſort of Men did more readily grant Subſidies to his Majeſty, or were more willing at this time to contribute to the publick Charges of the Kingdom.

He truſted much, he ſaid, in the Honour and Juſtice of this Honourable Houſe, in regard that though they were Accuſed of great and flagitious Crimes, yet he could not hear of the leaſt proof offered againſt them; and therefore he hoped that they who profeſſed ſo much ſincerity in Religion, would never have St. *Paul*'s cenſure deſervedly laid upon them, *Thou that abhorreſt Idols, doſt thou commit Sacriledge?* Which he did not ſee how it could be avoided, if they deſtroyed theſe Religious Foundations, which were dedicated and ſet apart for the ſolemn Service and Honour of God: Concluding, That upon the Ruine of the Rewards of Induſtry and Learning no Structure could be raiſed but Ignorance, and upon the Chaos of Ignorance nothing but Confuſion, Prophaneneſs, Irreligion and Atheiſm. But Alas! All this was but *Surdis Canere.*

Upon this there aroſe a warm debate, and the Epiſcopal Party in the Houſe, who were by far over-numbered, urged, That they took the late Proteſtation to be the meaning, and intention of the Houſe to defend the Proteſtant Religion, and not to deſtroy it, according to the firſt Clauſe of the ſaid Proteſtation. But they ſoon found themſelves in *Solomon*'s Snare, who informs them, that is a Snare to devour holy things, and after vows to make Enquiry; for whatever their intention was in taking it, the impoſers had one very far different, and meant it as an Engine to pull down the Eccleſiaſtical Hierarchy as a Relique of Popery, and therefore they now explained their meaning to be, That, *by the True Reformed Proteſtant Religion, expreſſed in the Doctrine of the Church of* England, *againſt all Popery and Popiſh Innovations within the Realm contrary to the ſame Doctrine,* is meant only the Publick Doctrine profeſſed in the ſaid Church, ſo far as it is oppoſite to Popery and Popiſh Innovations; and that the ſaid Words are not to extend to the maintaining of any Form of Worſhip, Diſcipline or Government, nor of any Rites or Ceremonies of the ſaid Church of *England.* So that upon the Matter hereby the Government of the Church by Arch-biſhops, Biſhops, &c. together with the Liturgy, were plainly deſigned for Extirpation, which is the Presbyterian way of Reforming.

Explanation of the Proteſtation.

Thus by an unhappy Artifice were many worthy and ſound men, not only for the Doctrine but Government of the Church, as it were drawn into a Confederacy to deſtroy her. And if their too inconſiderate compliance drew them into this danger, how deeply were they Guilty who deſignedly drew them into the making a ſolemn Proteſtation, Vow, and Promiſe in the preſence of Almighty God, to perform ſomething, which by their own Confeſſion was ſo myſterious and doubtful as to need an Explication; a Vow, made without the knowledge or conſent of their Supreme Lord and Sovereign, and as they Explained it, not only directly contrary to their Oaths of Allegiance and Supremacy, but ſuch a one as their Sovereign could not permit them to keep, but he muſt violate his Coronation Oath, by which he had obliged himſelf to defend the Church in all her Priviledges and Immunities, as then by Law poſſeſſed and enjoyed. A moſt impious affront to the Supreme Majeſty of Heaven, making him a Party to a Vow ſo raſhly made, that the very framers of it, to their Eternal Infamy acknowledged by this Explanation, carried ſo much Ambiguity, as to render it not ſufficiently underſtood to be taken with a ſafe Conſcience, nor by many of thoſe who took it be kept without perjury and making ſhipwrack of their Conſciences. However this advantage Poſterity will be able to make of it, not to be again impoſed upon by ſuch wily ſtratagems of pretenders to Reformation, but for the future will more eaſily be able to diſcover the deſign and meaning of ſuch Proteſtations and Aſſociations; and in what ſenſe they who diſſent from the Church of *England* underſtand the True Proteſtant Religion, of which they boaſt themſelves ſuch great Champions and Aſſertors; and that though for a time, to ſerve their Intereſt they may diſſemble, yet they eſteem the Diſcipline, Rites and Ceremonies of the preſent Eſtabliſhed Church of *England* no better than Popery and Popiſh Innovations: And that notwithſtanding the Teſtimony of Antiquity, long before either Popery or Presbytery came into the World, recommends them to us as the Primitive Government, and Uſages of the Univerſal Church; notwithſtanding that the firſt Reformers ſet to their Teſtimony by Martyrdom, which they ſuffered from the Papiſts; an evident demonſtration that they are not Popiſh: Notwithſtanding that they are agreeable to the Rule of Scripture, enjoyned by thoſe Laws and Legiſlators, who deteſted, abhorred and baniſhed the Pope and Popery out of *England*; yet if ever they can get the Power proportionable to their Wills, they will endeavour to Extirpate Root and Branch the moſt truly Primitive and Apoſtolical Church in the whole Chriſtian World.

Meſſage from the Commons about the Bill to reſtrain Eccleſiaſtical perſons from medling in Secular Affairs.

A Meſſage from the Houſe of Commons by Mr. *Arthur Goodwin*, who delivered the Bill for the abbreviation of *Michaelmas* Term, which the Commons had paſſed with the amendments: *And to deſire their Lordſhips from the Commons to take into Conſideration, as ſoon as they can, the Bill touching the Reſtraining of Biſhops, and Perſons in Holy Orders from intermedling in Secular Affairs.*

Thurſday, May 13.
Fears of the *French*.

This day two Letters were read in the Houſe of Commons, one from Mr. *Peter Heywood*, another from *Thomas Smith* of *Dover* to one *James Buckhurſt*, of the great fears of the *French*, and their being about to Ship many thouſands of men to be landed in *England*; the Conſideration of which were referred to the Committee of Seven.

Thus did they by continual Alarms of Fears and Dangers, even upon the ſlighteſt and moſt trivial Grounds, as it were, to keep the People perpetually awake, and force them into thoſe dreadful State-Phrenſies, which were the deplorable Conſequences of theſe Reports and Rumors.

His Majeſty came this day into the Houſe of Lords, and having Seated himſelf in his Chair of State, the Lords being in their Robes ſitting uncovered, the Houſe of Commons were ſent for, the Royal Aſſent being to be given to three Bills, *viz.* One for the Abbreviation of *Michaelmas* Term: Another for Preſſing and Levying of Marriners and others, for the Service of the Kingdom; and the third, For the Remainder of the Six Subſidies: Upon the preſenting of which Mr. *Speaker* made this Speech, as I find it in the Book of Speeches, *Pag.* 204.

Mr. *Speaker*'s Speech at the paſſing of the three Bills, for Abbreviation of *Michaelmas* Term, for preſſing Marriners, and for the Remainder of the ſix Subſidies, *May* 13. 1641.

May it pleaſe Your Moſt Excellent Majeſty,

THE great ſecurity of the Kingdom reſts in the happy concurrence of the King and People in the Unity of their hearts.

Theſe joyned, Safety and Plenty attends the Scepter; but divided, Diſtraction and Confuſion, as Bryers and Thorns overſpread and make the Land barren.

No Peace to the King,
No Proſperity to the People.

The Duties and Affections of Your Subjects are moſt Tranſparent, moſt Clear, in the chearful and moſt liberal Contributions, given to knit faſt this Union with the bond of Peace.

The Treaſures of the privy Purſe are but the ſupplies of Princes, warranted by a common Intereſt: But the publick Tribute given by common Aſſent, ſupports Royal Dignity, is ſheltered under the Wings of Prerogative, and by that Power covered from the Eyes, from the Touch of Deceivers.

In theſe we render Cæſar *what is due to* Cæſar, *and Tribute to whom Tribute belongeth.*

The proper Inſcription of the Crown is born here, and Cenſures thoſe Malignant Spirits that dare whiſper into the Ears of Sacred Majeſty, that our ſelves only, not Your Sacred Perſon, not Your Royal Poſterity, are the Supreme Objects of the Givers.

The preſervation of the publick Union, the ſupply of Your Armies, the diſtreſſes, miſerable diſtreſſes of the Northern parts; the common Calamities of the times begat the conſideration of this Bill (the Remainder of the ſix entire Subſidies happily preſented to Your Sacred Majeſty by this unworthy hand) the firſt Vote advanced a credit to us to iſſue them for the uſe of Your Sacred Majeſty.

The full perfection adds growth to that Credit, and enables us to return to Your Sacred Majeſty, as to the Ocean, the Tribute due to Juſtice and Soveraignty.

Theſe are the vaſt earneſts of our deſires, which take their riſe from the due regard, from the ſafety of Your Throne, of Your Poſterity.

Your Royal Aſſent ſtamps Your Image here, and makes this Yours, and Yours only; which I (by the Commands of the Commons) humbly beſeech of Your Sacred Majeſty to give.

After which the Clerk of the Crown reading the Titles ſeverally, the Clerk of the Parliament pronounced the King's Aſſent. This being done, his Majeſty delivered a Paper to the Houſe concerning the Draining of the Fens, recommending it to their conſideration as a buſineſs much concerning the good of the Kingdom.

The Act for reſtraining Biſhops, and others in Holy Orders, from intermedling with Secular Affairs read a ſecond time.

May,
1641.

Mr. ***Smith*** **a Miniſter committed to the** ***Gatehouſe.***

This day one Mr. *John Smith*, a Miniſter in Cuſtody of the Serjeant Attending the Houſe, was brought to the Bar, and Committed to the Gate-houſe for words ſpoken againſt the Parliament. For though all ſorts of people ſpake freely enough againſt the Actions of the Judges, Miniſters of State, Privy-Councellors, nay and of the King himſelf, without the leaſt controll or danger of either puniſhment or animadverſion, yet to ſpeak againſt any thing done or ſaid by the Commons was now become the moſt dangerous offence, and which through the diligence of the well affected Party, for ſo the *Diſſenters* from the Church called themſelves, who were moſt notable Informers, was certainly complained of to the Commons, and by them moſt ſeverely puniſhed, if not by Priſons, yet by the great Charges of being kept long in the Cuſtody of the Serjeant at Armes.

Friday, May 14.

The Explanation of the Proteſtation formerly mentioned, was this day Ordered to be Printed and Publiſhed: that ſo the Presbyterian Party might receive encouragement and aſſurance of their intention to pull down the Government of the Church, by way of a Glorious and thorow Reformation.

Dr. ***Cozens*** **and others at the Bar of the Lords Houſe.**

This day Doctor *Cozens* and ſome others that are Delinquents in the Impeachment brought up from the Houſe of Commons, were called in, who kneeled at the Bar, and then ſtood and heard the Impeachment read; after it was read, Doctor *Cozens* made his humble requeſt in behalf of himſelf and the reſt, that this Cauſe may be heard publickly before the whole Houſe.

This day Two Clergy-men who had been informed againſt in the Houſe of Lords, were Releaſed by the following Orders.

Sandeland **and** ***Waſerer*** **two Clergy Men Releaſed.**

W*Hereas* Andrew Sandeland *Clerk, hath been long in Cuſtody for words alledged to have been ſpoken by him, for which this Houſe had juſt cauſe to have inflicted puniſhment upon him, if they had been proved; but after a long time no Proſecution appearing againſt him, it is Ordered, That the ſaid* Andrew Sandeland *be forthwith diſcharged and ſet at liberty of and from his preſent Reſtraint or Impriſonment, and that any Bond or other Security entered into by the ſaid* Andrew Sandeland *for his attendance upon this Houſe, ſhall be forthwith Cancelled and delivered up to him.*

Ordered, *That* Michael Waſerer *Clerk, having been long in Cuſtody, be forthwith diſcharged of his Reſtraint, and that his Bonds and other Security given for his Attendance upon this Houſe be delivered up to him to be Cancelled, and his Cauſe diſmiſſed this Houſe, becauſe no Proſecutors have this long time appeared.*

The Faction found better Encouragement from the Commons Houſe to proſecute honeſt men, by their falſe Informations at the Committee for Scandalous Miniſters. And indeed the Lords Houſe was not at all for their purpoſe yet, while the Biſhops and ſo many of the Loyal Nobility ſate there, whoſe Honour and Juſtice would ſoon have diſcovered the Malice of theſe Accuſations.

Lord ***St. John*** **of** ***Bletſoe*** **Introduced into the Houſe of Lords.**

This day the Lord *St. John*'s of *Bletſoe* was Introducted in his Robes, between the Lord *Hunſden* and the Lord *Grey* of *Wark*, he delivered his Writ upon his knee to the Speaker, which being delivered to the Clerk it was read, then the Lord Chamberlain, and the Lord *Moubray* in the place of the Earl Marſhal his Father, and the King at Arms going before him, brought him and placed him next below the Lord *Hunſden.* After which he, and the Lord Chief Baron took the Proteſtation.

Saturday, May 15.

Mr. *Davenant* and Mr. *Walley* ſent for by the Serjeant as Delinquents.

The Commons having received an Information againſt Mr. *William Davenant* the Poet, and Mr. *Elias Walley* concerning the Buſineſs of the Army, they were by Order of the Houſe ſent for as Delinquents by the Serjeant.

Informations againſt Mr. *Percy.*

Alſo ſeveral Informations againſt Mr. *Percy* the Earl of *Northumberland's* Brother, which were taken at *Chicheſter* were read, upon which *John Lamb*, and *Robert Merryweather* were ſent for from *Chicheſter* to be Examined upon it, and a Conference with the Lords was deſired upon it.

Conference about *Percy, Merryweather,* and *Lamb.*

The Earl of *Bath* reports the Conference, *That the Houſe of Commons have received certain Information, that on* Wedneſday *Night laſt paſt was Sevennight, Mr.* Percy *came to* Petworth *and ſent for one* Robert Merryweather *and borrowed of him a Horſe to ride on the next Morning early, which he did, and the* Friday *after returned to* Petworth, *and cauſed the ſaid* Merryweather *to ride with him to* Shoram *to get a Boat to carry him over into* France, *telling him that he had dangerouſly hurt a Man. Mr.* Percy *returning again to* Petworth *on* Monday *Morning laſt, ſent again for the ſaid* Merryweather *into a Wood and deſired him to lend him a Horſe, and wiſhed him to go with him to Mr.* Lamb *to* Pagham, *to get him a Boat to carry him into* France, *and that on* Thurſday *laſt in the Evening there were Three Gentlemen about* Pagham *which were ſuſpected to be ſome of the perſons mentioned in the Proclamation; divers Men were called to Aid for the attaching of their Bodies, two of them were apprehended,* viz. Merryweather *and* Lamb, *but the third ſet Spurs to his Horſe and eſcaped, his Horſe being wounded with a Prong. This Gentleman that eſcaped is confeſt to be Mr.* Percy, *who had hired a Boat of* Thomas Waterman *of* Selſey, *to paſs over into* France, *for which he was to give* 40 l.

The deſire of the Commons was that their Lordſhips would think of ſome Courſe for the Apprehending of Mr. *Percy*, either by ſtopping of the Ports, or by ſending forth their Warrants.

The ſhutting the Ports, occaſioned the Tumult of the Seamen before.

After ſome conſideration herein their Lordſhips were of Opinion that the ſhutting of the Ports would prove very inconvenient for Trade, and that the Proclamation lately ſet forth by his Majeſty for his Apprehenſion was of validity enough, and needed no other Aſſiſtance.

Alderman *Pennigton* acquaints the Houſe that Money comes in as faſt as it can be told.

Order about *Harwood* and *Drinkwater* to excuſe them from the Pillory.

Ordered, That Robert Harwood *and* Thomas Drinkwater *ſhall be ſpared at the Requeſt of the Lord Great Chamberlain, from ſtanding on the Pillory, but ſhall be brought to this Houſe upon their Knees at the Barr, and make their humble Submiſſion for their Miſdemeanors.*

Tumults.

Ordered, That this Houſe have a Conference with the Houſe of Commons to morrow morning, concerning the Concourſe and Tumults of People reſorting hither out of *London* and other places.

Monday, May 17.

Complaints now came in every day againſt the Loyal and Orthodox Clegy, inſomuch that the Committee for Religion was divided into many Sub-Committees, Mr. *Whites* Committee, Mr. *Corbets* Committee, Sir *Robert Harlows* Committee, and Sir *Edward Deerings* Committee, and Mr. *Corbet* who made the Report againſt *Emanuel Vty* Dr. in Divinity, Rector of *Chigwell* in the County of *Eſſex*, boaſted that he had Nine Hundred Petitions againſt Scandalous Miniſters. Upon his report of the Complaints made againſt Dr. *Uty*, it was

Votes concerning Dr. *Uty*, Rector of *Chigwell*.

Reſolved &c. *That Dr.* Emanuel Uty *is a man of very ſcandalous and vitious life, corrupt in his Doctrine, ſuperſtitious in his practice, an Incendiary, Guilty of words ſpoken againſt the Kings Supremacy, of words tending to Blaſphemy, of words very ſcandalous againſt the Parliament.*

Reſolved &c. *Tha*[illegible] Uty *is unworthy to have and enjoy any Eccleſiaſtical Benefice or Spiritual Promotion, or to have the Cure of Souls.*

If the reſt of their Accuſation were no more true, or better proved then the firſt, of Dr. *Uty*'s being a Man of very Scandalous and Vitious life, it may very well be ſuppoſed that Dr. *Uty* was very innocent. For *White* the Chairman of one of theſe Committees who Printed the Centuries of Scandalous Malignant Prieſts, as he called the Loyal Epiſcopal Clergy, makes not the leaſt Mention of any thing Scandalous or Vitious in his Life; and no perſon who reads that infamous Libel, can poſſibly believe that *White* would ſpare him in particulars ſo material to his Deſign. But this unpardonable Offence, was, as he is there Charged, for affirming, not that all, but, *That Parliament-men are Mechanicks and illiterate, and have nothing to do to intermeddle in matters of Religion.*

White's Firſt Century of Malignant Prieſts, Num. 5.

The Houſe of Commons then Entred into debate about the Propoſitions concerning Religion delivered in by the *Scottiſh* Commiſſioners. And it was

Vote concerning the *Scots* deſire of Uniformity of Religion in both Nations.

Reſolved, That this Houſe doth approve of the Affection of their Brethren of Scotland *in their Deſires of a Conformity in Church Government between the Two Nations, and doth give them Thanks for it; and as they have already taken into Conſideration the Reformation of Church Government, ſo they will proceed therein in due time as ſhall beſt conduce to the Glory of God, and t*[illegible] *Peace of the Church.*

There is nothing that does more clearly Evidence the great Conſort that was between the *Engliſh* Puritans and *Scottiſh* Presbyterians to deſtroy the preſent Church Government, than this Vote, which according to the uſual Hypocriſie of thoſe Men and Times, was ſtill prefaced with a deſign of Gods Glory and the Peace of the Church.

This day a poor Printer was committed to the *Gate-Houſe* for Printing an Elegy upon the Earl of *Strafford.*

Mr. *Davenant* Committed to the Serjeant.

Mr. *Davenant* who was taken at *Feverſham* in *Kent*, was brought to the Barr of the Commons Houſe, and committed to the Cuſtody of the Serjeant, who was commanded that none ſhould be permitted to ſpeak with him but in the preſence of the Serjeant or one of his men.

Lord *Say* made Maſter of the Court of Wards.

This day alſo the Lord *Cottington* reſigned his Place, and the Lord *Say* had the Seal given him, and was ſworn Maſter of the Court of Wards. Thus did his Majeſty endeavour by repeated Acts of Grace and Favour not only publique but private, to oblige a ſort of Men, who, as He himſelf complained but too juſtly afterwards, turned them all into Wantonneſs. Manifeſting to all future Ages, how impoſſible it is to oblige ingrateful Tempers, or to ſubdue a Rigid Presbyterian by the ſoft Methods of Favours and Compliances.

Order of the Lords about Tumults.

Ordered, That if the People do aſſemble here in any Tumultuous manner, this Houſe will take Care to ſuppreſs them, or Adjourn the Houſe till it be done.

A Conference appointed with the Lords concerning the Queen Mother, *the Lords to be deſired to intreat his Majeſty, That the Queen Mother would be pleaſed to depart the Kingdom, in regard they fear they ſhall not be able to protect her from the Violence of the People; and for the Tumults this Houſe will joyn with the Lords, and ſend to the Lord Mayor and Magiſtrates to take Care to ſuppreſs them for the future.*

Tueſday, *May* 18. Tumults about the Queen-Mother.

Thus was this Glorious Reformation of the Church begotten, born, and nurſed with Tumults and Diſorders, from the danger of which it ſeems not the Law of Nations, nor the Sacred Character of Majeſty, could afford any Security or Protection.

A Meſſage from the Houſe of Commons, deſiring to receive an Anſwer to a former Meſſage concerning the Lord Lieutenancy of *Yorkſhire* to be conferred upon the Earl of *Eſſex*; upon which the Lords made application to his Majeſty, who the next day being the Twentieth, ſent this Meſſage to the Houſe to let them know, *That he had conferred the Lieutenancy of* Yorkſhire *upon the Earl of* Eſſex, *and the cauſe why His Majeſty did not give an Anſwer before now was, Becauſe a Grant was made under the Great Seal of the ſame to the Lord* Savile, *who is become a Suitor to his Majeſty to give him leave to ſurrender up his Patent to his Majeſty (ſeeing it is at the Inſtance of both Houſes) who hath accepted of that Surrender.*

Earl of *Eſſex* made Lord Lieutenant of *Yorkſhire*.

For this the Houſe appointed the ſame Lords who carried the Meſſage to return to his Majeſty humble Thanks, and thought it fit that Intimation be given to the Houſe of Commons of this Anſwer of his Majeſty.

Wedneſday, *May* 19. Forreign Letters to be opened.

But amidſt all the Variety of Chaces which were rouſed for the People to run at, the ſcent of Fears and Jealouſies of Plots and Dangers was to be kept Warm, and for this purpoſe this Day all Forreign Letters were by Order of the Houſe to be ſtayed and opened; but how little they dreaded a Forreign Invaſion, had men then conſidered, might Eaſily have been diſcovered: for this very day the Houſe fell upon the Conſideration of Disbanding the Armies; which had they really feared the Landing of the *French* in *Guernſey*, *Jerſey*, or at *Portſmouth*, they would rather have raiſed more men for the defence of thoſe Places, and to prevent thoſe Dangers.

Disbanding Armies.

Thurſday, *May* 20.

Hitherto they had proceeded upon the fair pretence of Reformation only; and though it be very Evident both by their *Proteſtation* as Explained, and by ſeveral other Paſſages, that they did not only deſign to deveſt the Biſhops of their Votes and Peerage, and the Clergy of all manner of Secular Power, but utterly to Exterminate that Government out of this Church and Kingdom, yet with their Uſual Way they had wiſely diſſembled their Intentions; but now having as they conceived, by the Tumults which they found they were able to raiſe at their pleaſure, gotten a ſtrength able to ſtand by them and maintain them in all their Proceedings, they openly declared what their Intention was. For upon this day, as I have it from Sir *Edward Deering*'s own Papers, being the Collection of his Speeches which himſelf publiſhed for his Vindication that he was no *Root and Branch man*, The Bill for Abolition of the preſent Epiſcopacy was preſſed into his hand by Sir *Arthur Haſlerig*, (being brought unto him by Sir *Henry Vane* and *Oliver Cromwell* Burgeſs for the Town of *Cambridge*, and not the Univerſity, as Mr. *Franklin* in his *Annals* has by miſtake printed him.

Sir *Edward Deerings* Collection of Speeches, *Page* 26. A miſtake of Mr. *Franklins* about *Oliver Cromwell*'s being Burgeſs for the Univerſity of *Cambridg* rectified.

Sir *Arthur* told him, *he was reſolved that it ſhould go in*, but was Earneſtly Urgent that Sir *Edward*, then a Popular man, a Speech-maker and Favourite of the Faction, ſhould preſent it; and it ſeems Sir *Edward* was willing to be made a Cats foot to this worthy *Triumvirate*; for, as he tells us, without any due conſideration or deliberation upon ſo weighty a matter, the Bill did hardly ſtay in his hand ſo long as to make a haſty peruſal; for whileſt he was overviewing it, Sir *Edward Aiſcough* delivered in a Petition out of *Lincolnſhire*, which was ſeconded by Mr. *Strode*, in ſuch a ſort, that having a fair invitement to iſſue forth the Bill then in his hand, he immediately ſtood up and made this *Extempore* Speech at the delivery of the Bill.

Mr. Speaker,

The Bill for the utter aboliſhing Epiſcopacy, &c. brought in, and Sir *Edw.* Deering's Speech upon it.

THE Gentleman that ſpake laſt taking notice of the multitude of Complaints and Complainants againſt the preſent Government of the Church, doth ſomewhat ſeem to wonder that we have no more purſuit ready againſt the perſons Offending. Sir, *the Time is preſent, and the Work is ready perhaps beyond his Expectation.*

Sir, *I am now the Inſtrument to preſent unto you a very ſhort, but a very ſharp Bill: ſuch as theſe Times and their ſad Neceſſities have brought forth. It ſpeaks a free Language, and makes a bold Requeſt. It is a Purging Bill.*

I give it You as I take Phyſick, not for Delight, but for a Cure. A Cure now, the laſt and only Cure, if as I hope all other Remedies have been firſt tryed, then---Immedicabile vulnus, &c. *but* cuncta prius tentanda--- *I never was for* Ruin, *ſo long as I could hold any hope of* Reforming. *My hopes that way are even almoſt withered.*

This Bill is intituled, An Act for the Utter aboliſhing and taking away of all Archbiſhops, Biſhops, their Chancellors, and Commiſſaries, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Chanters, and Canons, and all other their Under-Officers.

Sir, *You ſee their demerits have Expoſed them* Publici odii piaculares victimas. *I am ſorry they are ſo ill, I am ſorry they will not be content to be bettered, which I did hope would have been Effected by our laſt Bill.*

When this Bill is perfected, I ſhall give a ſad Ay unto it. And at the delivery in thereof, I do now profeſs before-hand, That if my former hopes of a full Reformation may yet revive and proſper, I will again divide my Sence upon this Bill, and yield my Shoulders to underprop the Primitive, Lawful and Juſt Epiſcopacy: Yet ſo as that I will never be wanting with my utmoſt Pains and Prayers to Root out all the undue adjuncts and ſuperſtructures on it. I beſeech you read the Bill, and weigh well the Work.

How little this unhappy Gentleman had conſidered of this Weighty Affair, and upon what ſlender convictions either of his own Conſcience, or the real guilt of the Hierarchy, he Employed his Parts and Eloquence to perſuade the Abolition of Epiſcopal Government, we have reaſon to believe not only from his own confeſſion here, that he had ſcarcely haſtily peruſed the Bill before he thus recommended it to the Houſe, but from the ſad Cataſtrophe of his Life.

For not long after, this very Gentleman who formerly with ſo much applauſe made that Motion in the Houſe of Commons, That every one of the *Canon-makers* ſhould with his own hands fire his *Canons* at the Barr of the Houſe, notwithſtanding thoſe *Canons* were ſtamped with the Royal Authority veſted in the King by the Oath of Supremacy, Yet falling into the diſfavour of the Faction for ſome after-Speeches, and indeavouring his own Vindication, he ſo inraged the Party, that his Book of Speeches was ordered to be burnt by the hand of the Common Hangman; and being Expelled the Houſe, he was forced, to avoid diſcovery and the fury of thoſe Zealots whoſe Cauſe he ſo induſtriouſly aſſerted, to flie in the diſguiſe and habit of a Prieſt, and to read Prayers in a Church. And not only ſo, but became an Earneſt Suitor to his Majeſty for a Deanery, *viz.* that of *Canterbury*, notwithſtanding his bringing in this Bill againſt Deans and Chapters, and his bitter Invectives upon no other ground but report, as he then confeſſed. But being by the King juſtly denied this Preferment, he again turned Apoſtate to his Royal Maſter to whom he had fled for Sanctuary, indeavoured by mean ſubmiſſions to reconcile himſelf to thoſe whom he had called Rebels and Traytors; but being by them rejected alſo, he not long after Ended his Unfortunate Life in grief and contempt.

Neither was this rough procedure, from the Abuſes of the Function had they been real, as moſt certainly they were falſe, to go about utterly to Aboliſh the Office, ſo well reliſhed, but that divers of thoſe who had hitherto ſailed by the Compaſs of the Faction, began now to make a tack, and ſtand off from thoſe dangerous Rocks upon which they ſaw if they purſued that Courſe, not only the Church, but even all Religion, and their own Conſciences muſt inevitably ſuffer ſhipwrack; as appears by a Speech of Sir *Benjamin Rudyard's*, which I find in the Book of *Speeches*, and ſeveral others when the matter came to be debated at a Committee of the whole Houſe.

Book of Speeches, *pag.* 103.

Sir *Benjamin Rudyard's* Speech was, as there I find it Printed, as followeth.

Sir *Benjamin Rudyard's* Speech about Epiſcopacy.

Mr. Speaker,

I *Do verily believe, that there are many of the Clergy in our Church, who do think the ſimplicity of the Goſpel, too mean a Vocation for them to ſerve in: They muſt have a Specious, Pompous, Sumptuous Religion, with additionals of Temporal Greatneſs, Authority, Negotiation: Notwithſtanding, they all know better than I, what Fathers, Schoolmen, Councels are againſt their mixing themſelves in Secular Affairs.*

This Roman *Ambition, will at length, bring in the* Roman *Religion, and at laſt a haughty Inſolence even againſt ſupream Power it ſelf, if it be not Timely and Wiſely prevented.*

They have amongſt them, an Apothegm of their own making, which is, No Miter, No Scepter, *when we know by dear experience, that if the Miter be once in danger, they care not to throw the Scepter after, to confound the whole Kingdom for their Intereſt.*

And Hiſtories will tell us, that whenſoever the Clergy went High, Monarchy ſtill went Lower: If they could not make the Monarch the Head of their own Faction, they would be ſure to make him leſs: witneſs one Example for all, The Popes working the Emperor out of Italy.

Some of ours, as ſoon as they are Biſhops adepto fine, ceſſat Motus, *They will Preach no longer, their Office then is to Govern. But in my Opinion they Govern worſe than they Preach, though they Preach not at all; for we ſee to what Paſs their Government hath brought us.*

In conformity to themſelves, They ſilence others alſo, though Hierom *in one of his*

May, 1641.

Epiſtles ſaith, that even a Biſhop, let him be of never ſo blameleſs a Life, yet he doth more hurt by his Licence, then he can do good by his Example.

Mr. Speaker, *It now behoves us, to reſtrain the Biſhops to the Duties of their Function, as they may never more kanker after heterogeneous extravagant Employments: Not be ſo abſolute, ſo ſingle and ſolitary in Actions of Moment, as Excommunication, Abſolution, Ordination, and the like: but to joyn ſome of the Miniſtry with them, and further to regulate them according to the uſage of Ancient Churches, in the beſt Times, that by a well-temper'd Government, they may not have Power hereafter, to corrupt the Church, to undo the Kingdom.*

When they are thus circumſcribed, and the Publick ſecur'd from their Eruptions, then ſhall not I grudge them a liberal, plentiful Subſiſtence: elſe I am ſure they can never be given to Hoſpitality.

Although the calling of the Clergy be all glorious within, yet if they have not a Large, Conſiderable, outward Support, they cannot be freed from Vulgar Contempt.

It will alwaies be fit, that the flouriſhing of the Church ſhould hold proportion with the flouriſhing of the Common-wealth, wherein it is. If we dwell in Houſes of Cedar, why ſhould they dwell in Skins? And I hope, I ſhall never ſee a good Biſhop left worſe than a Parſon without a Gleab.

Certainly, Sir, this ſuperintendency of Eminent Men, Biſhops over divers Churches, is the moſt Primitive, the moſt ſpreading, the moſt laſting Government of the Church. Wherefore whileſt we are earneſt to take away Innovations, Let us beware we bring not in the greateſt Innovation that ever was in England.

I do very well know, what very many do very fervently deſire. But let us well bethink our ſelves, whether a popular Democratical Government of the Church (though fit for other Places) will be either ſutable or acceptable to a Regal, Monarchical Government of the State.

Every Man can ſay, (It is ſo common and known a Truth) that ſuddain and great Changes both in Natural and Politick Bodies, have dangerous Operations: and give me leave to ſay, that we cannot preſently ſee to the end of ſuch a conſequence, eſpecially in ſo great a Kingdome as this, and where Epiſcopacy is ſo wrap'd and involv'd in the Laws of it.

Wherefore Mr. Speaker, *my humble Motion is, that we may puniſh the preſent Offenders, reduce and preſerve the Calling for better Men hereafter. Let us remember with freſh thankfulneſs to God, thoſe glorious Martyr-Biſhops, who were burn'd for our Religion in the Times of Popery, who by their Learning, Zeal, and Conſtancy, upheld and convey'd it down to us.*

We have ſome good Biſhops ſtill, who do Preach every Lords-Day, and are therefore worthy of double Honour; they have ſuffered enough already in the Diſeaſe: I ſhall be ſorry we ſhould make them ſuffer more in the Remedy.

Walker the Factious Miniſters Caſe Reported.

Mr. *Bagſhaw* reports the Caſe of Mr. *George Walker* a Factious Miniſter, upon which it was

Reſolved, &c. *That Mr.* George Walker*'s Commitment from the Council Board for Preaching a Sermon* Oct. 14. 1638. *at* St. John *the Evangeliſts* London, *and his detainment for the ſame* 12 *Weeks in* Pecher *the Meſſenger's hands, is againſt Law and the Liberty of the Subject.*

Reſolved, &c. *That the proſecution of the ſaid* Walker *in the Star-Chamber for preaching the ſaid Sermon, and his Cloſe Impriſonment thereupon for* 10 *Weeks in the* Gatehouſe, *and the payment of* 20 *l. Fees to the ſaid* Pecher, *is againſt Law and the Liberty of the Subject.*

Reſolved, &c. *That the* 5. *paſſages marked out in the Sermon by Mr. Attorney and Sir* John Banks, *contained no Crime, nor deſerved any Cenſure, nor he any puniſhment for them.*

Reſolved, &c. *That the Enforcing the ſaid* Walker *to enter into the Bond of* 1000 *l. for Confinement to his Brother's houſe at* Cheſwick, *and his Impriſonment there is againſt Law.*

Reſolved,

May, 1641.

Reſolved, &c. *That the Sequeſtration of the Parſonage of the ſaid* Walker *by Sir* John Lamb *was done without any Warrant, and againſt the Law of the Land.*

Reſolved, That Mr. Walker *ought to be reſtored to his Parſonage, and the whole profits thereof from the time of the ſaid Sequeſtration, and to have reparation for all ſuch dammages as he hath ſuſtain'd by theſe ſeveral Impriſonments, and his Caſe to be tranſmitted to the Lords.*

Order for Mr. *Pryn* to be reſtored to *Lincolns*-Inn.

Ordered, That the Bench of Lincolns *Inn reſtore Mr.* Pryn *to his former Condition in that Society, according to his Antiquity, and to his Chamber there.*

Thus diligent was the Faction, not only to puniſh their Enemies, but relieve their Friends; though afterwards Mr. *Pryn*, as well as *John Lilburn*, another of their Favourites proved notable ſticklers againſt them, as hereafter in theſe Collections will appear.

But though things ran thus down the ſtream, and that in the Commons Houſe there was no ſtopping the impetuous Torrent, yet in the Houſe of Lords it was far otherwiſe; for till they had got the Biſhops out of the Houſe, and into the Tower, and by Tumults and Affronts affrighted many of the Loyal Nobility from their Seats, they were not able to accompliſh their work.

The Bill for diſabling the Biſhops to Sit and Vote in the Houſe of Lords in Parliament, came too cloſe to the Rights of the Temporal Lords, to be eaſily by them digeſted; for many of them plainly ſaw that the Biſhops Sate and Voted there by the ſame Right, Law, Cuſtom and Uſage that they themſelves did; and that ſhould they conſent to the taking away the Peerage of the Lords Spiritual, they muſt Sit there precariouſly themſelves.

Friday, May 21.

Upon the Debate of this Bill the Lord *Grandiſon*, Lord Viſcount *Newark* made theſe two following Excellent Speeches.

My Lords,

Two Speeches of the L. *Grandiſon* Viſcount *Newark*, concerning the Peerage of the Biſhops, *May* 21 1641.

I Shall take the boldneſs to ſpeak a Word or two upon this Subject, Firſt, as it is in it ſelf, then as it is in the Conſequence: For the former, I think he is a great ſtranger in Antiquity, that is not well acquainted with that of their ſitting here, they have done thus, and in this manner, almoſt ſince the Conqueſt, and by the ſame Power, and the ſame Right the other Peers did, and your Lordſhips now do; and to be put from this their due, ſo much their due, by ſo many hundred Years ſtrengthened and confirmed, and that without any Offence, nay Pretence of any, ſeems to me to be very ſevere; if it be *jus*, I dare boldly ſay it is *ſummum*. That this hinders their Eccleſiaſtical Vocation, an Argument I hear much of, hath in my apprehenſion more of ſhadow, then ſubſtance in it: if this be a reaſon, ſure I am it might have been one ſix hundred Years ago.

A Biſhop, My *Lords*, is not ſo circumſcribed within the circumference of his Dioceſs, that his ſometimes abſence can be termed, not in the moſt ſtrict Senſe a neglect or hinderance of his duty, no more than that of a Lieutenant from his County, they both have their ſubordinate Miniſters, upon which their influences fall, though the diſtance be remote.

Beſides, My *Lords*, the leſſer muſt yield to the greater Good, to make wholeſome and good Laws, for the happy and well regulating of the Church and Common-wealth, is certainly more advantagious to both, then the want of the perſonal execution of their Office, and that but once in three Years, and then peradventure but a Month or two, can be prejudicial to either. I will go no further to this, which experience hath done ſo fully, ſo demonſtratively.

May,
1641.

And now, My *Lords*, by your Lordſhips good leave, I ſhall ſpeak to the Conſequence, as it reflects both on your Lordſhips, and my Lords the Biſhops. Dangers and inconveniencies are ever beſt prevented *è longinquo*; this Preſident comes neer to your Lordſhips, and ſuch a one, *mutato nomine de vobis.* Pretences are never wanting, nay, ſometimes the greateſt Evils appear in the moſt fair and ſpecious out-ſides, witneſs the Ship-mony, the moſt abominable, the moſt illegal thing that ever was, and yet this was painted over, with colour of the Law; what Bench is ſecure, if to alledge, be to convince, and which of your Lordſhips can ſay then he ſhall continue a Member of this Houſe, when at one Blow, twenty ſix are cut off? It then behoves the Neighbour to look about him, *cum proximus ardet Vcalegon.*

And for the Biſhops, My *Lords*, in what condition will you leave them? The Houſe of Commons repreſents the meaneſt Perſon, ſo did the Maſter his Slave, but they have none to do ſo much for them, and what Juſtice can tie them to the obſervation of thoſe Laws, to whoſe conſtitution they give no Conſent? the Wiſdome of former Times, gave Proxies unto this Houſe meerly upon this Ground, that every one might have a Hand in the making of that, which he had an Obligation to obey: This Houſe could not repreſent, therefore Proxies in Room of Perſons were moſt juſtly allowed.

And now, My *Lords*, before I conclude, I beſeech your Lordſhips, to caſt your Eyes upon the Church, which I know is moſt dear and tender to your Lordſhips, you will ſee Her ſuffer in Her principal Members, and deprived of that Honor, which here, and throughout all the Chriſtian World, ever ſince Chriſtianity, She conſtantly hath enjoyed; for what Nation or Kingdome is there, in whoſe great and publick Aſſemblies, and that from Her beginning, She had not ſome of Hers, if I may not ſay as Eſſential, I am ſure I may ſay, as Integral Parts thereof? and truly my Lords, Chriſtianity cannot alone boaſt of this, or challenge it only as Hers, even Heatheniſme claims an equal ſhare.

I never read of any of them, Civil, or Barbarous, that gave not thus much to their Religion, ſo that it ſeems to me to have no other Original, to flow from no other Spring than Nature it ſelf.

But I have done, and will trouble your Lordſhips no longer, how it may ſtand with Honor and Juſtice of this Houſe to paſs this Bill, I moſt humbly ſubmit unto your Lordſhips, the moſt proper and only Judges of them both.

The ſecond Speech about the lawfulneſs and conveniency of their intermedling in Temporal Affairs.

My Lords,

I Shall not ſpeak to the Preamble of the Bill, that Biſhops, and Clergy Men ought not to intermedle in Temporal Affairs. For, truly my Lords, I cannot bring it under any reſpect to be ſpoken of. *Ought*, is a Word of Relation, and muſt either refer to Humane or Divine Law: to prove the lawfulneſs of their intermedling by the former, would be to no more purpoſe, than to labour to convince that by Reaſon, which is evident to Senſe. It is by all acknowledged. The unlawfulneſs by the latter, the Bill by no means admits of, for it excepts Univerſities, and ſuch Perſons as ſhall have Honor deſcend upon them. And your Lordſhips know, that circumſtance and chance alter not the Nature and Eſſence of a thing, nor can except any particular from an univerſal Propoſition by God himſelf delivered. I will therefore take theſe two as granted, firſt that they ought by our Law to intermedle in Temporal Affairs, ſecondly, that from doing ſo they are not inhibited by the Law of God, it leaves it at leaſt as a thing indifferent. And now my Lords, to apply my ſelf to the buſineſs of the Day, I ſhall conſider the conveniency, and that in the ſeveral Habitudes thereof, but very briefly; firſt, in that which it hath to them meer-

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May, 1641.

ly as Men, *qua tales*; then as parts of the Common-welth: Thirdly, from the beſt manner of conſtituting Laws, and laſtly, from the practice of all times both Chriſtian and Heathen.

1. *Homo ſum nihil humanum à me alienum puto*, was indeed the ſaying of the Comedian, but it might well have becom'd the Mouth of the greateſt Philoſopher. We allow to ſenſe all the Works and Operations of Senſe, and ſhall we reſtrain Reaſon? Muſt onely Man be hindred from his proper Actions? They are moſt fit to do reaſonable things that are moſt reaſonable. For, Science commonly is accompanied with Conſcience; So is not Ignorance: they ſeldome or never meet. And why ſhould we take that capacity from them, which God and Nature have ſo liberally beſtowed?

2. My Lords, the Politick body of the Common-wealth is analogical to the Body natural: every Member in that contributes ſomething to the conſtitution of the whole, the ſuperfluity or defect which hinders the performance of that duty, your Lordſhips know what the Philoſopher calls ἁμαρτίαν τῆς φύσεως, Natures ſin. And truely my Lords, to be part of the other Body, and do nothing beneficial thereunto, cannot fall under a milder Term. The Common-wealth ſubſiſts by Laws and their Execution: and they that have neither Head in the making, nor Hand in the executing of them, confer not any thing to the being or well-being thereof. And can ſuch be called Members, unleſs moſt unprofitable Ones? only *fruges conſumere nati*.

3. Me thinks it ſprings from Nature it ſelf, or the very depths of Juſtice, that none ſhould be tied by other Laws than himſelf makes, for what more Natural or Juſt, than to be bound only by his own Conſent? To be ruled by anothers Will, is meerly Tyrannical. Nature there ſuffers Violence, and Man degenerates into Beaſt. The moſt flouriſhing Eſtates were ever governed by Laws of an univerſal Conſtitution; witneſs this our Kingdom, witneſs *Senatus Populusq; Romanus*, the moſt glorious Common-wealth that ever was, and thoſe many others in *Greece*, and elſewhere, of eternal Memory.

4. Some things, My Lords, are ſo evident in themſelves, that they are difficult in their Proofs. Amongſt them I reckon this inconveniency I have ſpoken of: I will therefore uſe but a Word or two more in this Way. The long experience that all Chriſtendom hath had hereof for theſe 1300 Years, is certainly, *argumentum ad hominem*. Nay, My Lords, I will go further (for the ſame Reaſon runs thorow all Religions) never was there any Nation that employed not their religious Men in the greateſt Affairs. But to come to the Buſineſs, that lies now before your Lordſhips, Biſhops have voted here, ever ſince Parliaments began, and long before were imployed in the Publick. The good they have done, your Lordſhips all well know, and at this day enjoy: for this I hope ye will not put them out, nor for the evil they may do, which yet your Lordſhips do not know, and I am confident never ſhall ſuffer. A poſition ought not to be deſtroyed by a ſuppoſition, *& à poſſe ad eſſe non valet conſequentia*. My Lords, I have done with proving of this poſitively, I ſhall now by your good Favors do it negatively, in anſwering ſome Inconveniencies that may ſeem to ariſe.

Object. 1. For the Text, *No Man that Wars, intagles himſelf with the Affairs of this Life*, which is the full Senſe of the Word, both in Greek and Latine, it makes not at all againſt them, except to intermedle and intangle, be Terms equivalent. Beſides, My Lords, though this was directed to a Church-man, yet it is of a general Nature, and reaches to all, Clergy and Laity, as the moſt learned and beſt expoſitors unanimouſly do agree. To end this, *Argumentum ſymbolicum non eſt argumentativum.*

Object. 2. It may be ſaid that it is inconſiſtent with a Spiritual Vocation; truely, My Lords, Grace and Nature are in ſome reſpects incompoſſible, but in ſome others moſt harmoniouſly agree, it perfects Nature, and raiſes it to a heigth above the common Altitude, and makes it moſt fit for thoſe great Works of God himſelf, to make Laws, to do Juſtice. There is then no inconſiſtency between themſelves, it muſt ariſe out of Scripture, I am confident it doth not formally out of any Place there, nor did I ever meet with any learned Writer of theſe or other times, that ſo expounded any Text.

But

Object. 3. But though in ſtrict Terms this be not inconſiſtent, yet it may peradventure hinder the duty of their other calling. My Lords, there is not any that ſits here, more for preaching than I am. I know it is the ordinary means to Salvation, yet, I likewiſe know, there is not that full neceſſity of it, as was in the Primitive Times. God defend that 1600 Years acquaintance ſhould make the Goſpel of Chriſt no better known unto us. Neither, My Lords, doth their Office meerly and wholly conſiſt in Preaching, but partly in that, partly in Praying, and adminiſtring the Bleſſed Sacraments, in a Godly and exemplary Life, in wholſome Admonitions, in Exhortations to Vertue, dehortations from Vice, and partly in eaſing the burdened Conſcience. Theſe, My Lords, compleat the Office of a Churchman. Nor are they altogether tied to time or place, though I confeſs they are moſt properly exerciſed within their own Verge, except upon good Occaſion, nor then the Omiſſion of ſome can be termed the breach of them all. I muſt add one more, an eſſential one, the very Form of Epiſcopacy, that diſtinguiſheth it from the Inferiour Miniſtry, the orderly and good Government of the Church, and how many of theſe, I am ſure, not the laſt, My Lords, is interrupted by their ſitting here, once in 3 Years, and then peradventure but a very ſhort Time: and can there be a greater Occaſion than the common good of the Church and State? I will tell your Lordſhips what the great and good Emperor *Conſtantine* did, in his expedition againſt the *Perſians*, he had his Biſhops with him, whom he conſulted with about his Military Affairs, as *Euſebius* has it in his life, *Lib.* 4. *c.* 56.

Object. 4. Reward and Puniſhment are the great Negotiators in all Worldly Buſineſſes; theſe may be ſaid to make the Biſhops ſwim againſt the Stream of their Conſciences, and may not the ſame be ſaid of the Laity? Have theſe no Operations, but only upon them? Has the King neither Frown, Honor, nor Offices, but only for Biſhops? Is there nothing that anſwers their Tranſlations? Indeed, My Lords, I muſt needs ſay, that in Charity, it is a ſuppoſition not to be ſuppoſed; no, nor in Reaſon, that they will go againſt the Light of their underſtanding. The holineſs of their Calling, their Knowledge, their Freedoms from Paſſions and Affections to which Youth is very obnoxious, their vicinity to the Gates of Death, which, though not ſhut to any, yet always ſtand wide open to old Age: theſe, My Lords, will ſurely make them Steer aright.

But, of matter of Fact, there is no diſputation, ſome of them have done ill, *Crimine ab uno diſce omnes*, is a Poetical, not a Logical Argument. Some of the Judges have done ſo, ſome of the Magiſtrates and Officers; and ſhall there be therefore neither Judge, Magiſtrate nor Officer more? A perſonal Crime goes not beyond the Perſon that commits it, nor can anothers Fault be mine Offence. If they have contracted any Filth or Corruption through their own, or the Vice of the Times, cleanſe and purge them thorowly. But ſtill remember the great difference between Reformation and Extirpation. And be pleaſed to think of your Triennial Bill, which will ſave you this labour for the time to come; fear of puniſhment will keep them in order, if they ſhould not themſelves through the love of Vertue. I have now, My Lords, according to my poor Ability, both ſhewed the Conveniences, and anſwered thoſe Inconveniencies that ſeem to make againſt them. I ſhould now propoſe thoſe that make for them. As their falling into a Condition worſe then Slaves, not repreſented by any; and then the dangers and inconveniences that may happen to your Lordſhips; but I have done this heretofore, and will not offer your Lordſhips *Cramben bis coctam.*

In the Commons Houſe the Affair of the Captives at *Algiers* fell under debate, and produced theſe following Votes.

Votes about the Captives at *Algiers*.

Reſolved, &c. *That his Majeſty be moved to ſend at the Charges of the Merchants ſome fit perſon to the Grand Seignior, to demand the* Engliſh *Captives in* Algiers, *and other the* Turkiſh *Dominions.*

Reſolved, &c. *That in ſome convenient time a Fleet of Twenty Ships and Pinnaces be ſent to* Algiers *to aſſail the Town and their Ships, if the Captives be not delivered upon the demand of them.*

May,
1641.

Reſolved, &c. *That the Book of Rates being ſetled, One* per Cent. *be laid upon Trade over and above the Sums in the Book, to be collected and imployed by Commiſſioners to be appointed by the Parliament for this ſpecial Uſe, and continue ſo long as the Parliament ſhall think fit.*

Conference about the *Scots.*

A Meſſage was brought to the Lords by Mr. Secretary *Vane* to let their Lordſhips know, that the Select Committee of their Houſe have Reported what was yeſterday done at the meeting with the Select Committee of Lords. Thereupon the Houſe of Commons having taken the buſineſs into Conſideration; have

Reſolved, &c. *That the whole Arrear of* 120000 l. *be preſently paid to the* Scots, *out of which the due Debts of the Counties are to be deducted, and for the Brotherly aſſiſtance of* 300000 l. *it ſhall be ſetled and ſecured by the Kingdom to them.*

Reſolved, &c. *That if the deductions may withdraw more Moneys than the* Scots *can ſpare from the Disbanding, then the whole* 120000 l. *ſhall be allowed them for the Disbanding, and the Debt of the Counties be taken upon the Kingdom for the preſent, and be firſt paid out of the Brotherly aſſiſtance.*

Reſolved, &c. *That when the Treaty ſhall be fully Concluded, and Publick Faith given for Peace, and Security for Mony, both the Armies may be Disbanded by degrees as mony ſhall come in.*

Reſolved, &c. *That the Committee ſhall have power to preſent theſe Heads to the Lords Commiſſioners to treat with the* Scots.

Likewiſe the Houſe of Commons deſired, that a meeting might be between the Lords Commiſſioners and the *Scots* Commiſſioners this Afternoon at four of the Clock, and propound theſe Reſolutions unto them. All which the Lords aſſented to.

Saturday, May 22.

The greateſt part of this day was ſpent by the Commons in the Debate of the *Scottiſh* Articles.

Monday, May 24.

Money borrowed of the City deſired to be continued. Votes about the Biſhops Bill in the Lords Houſe.

Fifty Thouſand Pounds and Sixty Thouſand Pounds formerly lent by the City, was this day deſired to be continued a Year and a half longer, with promiſe to be repaid out of the four hundred thouſand pounds, voted to be raiſed for payment of the debts of the Kingdom.

The Bill concerning the Biſhops was this day Debated in the Houſe of Lords, and after a long and ſerious Debate, the Houſe was Reaſſumed, and it was

Reſolved upon the Queſtion, *That the Arch-Biſhops and Biſhops ſhall have Suffrage and Voice in the Houſe of Peers in Parliament.*

Reſolved, &c. *That the Arch-Biſhops and Biſhops ſhall not have Suffrage and Voice in the Court of* Star-Chamber *when they are called.*

Upon the further Debate of the Bill about Biſhops, it was this day further

Reſolved, &c. *That no Arch-Biſhop or Biſhop, or other Perſon in Holy Orders ſhall be Juſtices of the Peace.*

Reſolved, &c. *That no Arch-Biſhop or Biſhop, nor other Perſons in Holy Orders ſhall be of the Privy Council to the King, or to his Succeſſors.*

May,
1641.

Tueſday, May 25.
Cuſtomers offer 100000 *l.* For an Act of Oblivion.

The Commons fell this day upon conſideration of the Cuſtomers, but before they came to any Vote Mr. *Pym* made a motion for them, offering a Hundred Thouſand Pounds compoſition, provided they might have an Act of Oblivion, but the propoſition being rejected by the Houſe, it was Voted,

Reſolved,&c. *That all Collections of any Sums of Mony by colour of Subſidies, Impoſts or Aids upon any Merchandize whatever, not granted by Parliament, are againſt the Law and Liberties of the Subject.*

Reſolved, &c. *That all ſuch perſons as have Collected any ſuch Sums of Mony under colour of Subſidy, Impoſts or Aid upon any Merchandiſe whatever, not granted by aſſent in Parliament, are Delinquents.*

Wedneſday, May 26.
The Vintners Caſe againſt *Abel* and *Kilvert.*

The Complaint of the Vintners againſt Alderman *Abel*, and Mr. *Kilvert*, for taking one peny *per* Quart upon all *French* Wines, and two pence *per* Quart upon *Spaniſh* Wines, was this day debated in the Houſe of Commons, and upon the Debate voted Illegal, and a Bill Ordered to be brought in againſt the ſaid Alderman *Abel*, and Mr. *Kilvert.*

The Cuſtomers Petition for an Act of Oblivion, and to pay 150000 *l.* in a Month.

The Cuſtomers Sir *Paul Pindar*, Sir *Abraham Daws*, Sir *John Worſtenholm*, and Sir *John Jacob* Petitioned the Houſe for an Act of Oblivion, whereupon it was

Reſolved, &c. *That one hundred and fifty thouſand pound offered by the Petitioners in ſatisfaction of their Delinquency to the Common-wealth, ſhall be accepted ; they paying the Mony within one Month, as was expreſſed in their Petition, and an Act of Oblivion to be paſſed, according to certain Limitations made in the Report.*

The Limitations were, *That all thoſe who had ſuffered damage by the Cuſtomers, either in Goods or otherwiſe, might notwithſtanding this Compoſition take their remedy at Law for Reparation. And that the petty Cuſtomers ſhould alſo come in upon Compoſition, and then have the benefit of the Act of Oblivion.*

An Order was alſo ſent to the Maſter and Wardens of the Company of Vintners, to command that notice be given to the whole Company, that the Patent of *Abel* and *Kilvert* being Voted Illegal, they ſhould ſell their Wines as formerly, *viz. French* Wines at Six-pence *per* Quart, and *Spaniſh* Wines at Twelve-pence the Quart.

Several private Bills paſſed by Commiſſion.

This day a Commiſſion was preſented to the Houſe of Lords, directed to the Lord Privy Seal, Lord Great Chamberlain, and to Earl Marſhal, or any two of them, to give the Royal Aſſent to three private Bills, *viz.* One Entituled, *An Act to enable the Marqueſs of* Winton *to grant Eſtates for three Lives, or* 21 *years,*&c. *of Lands in the County of* Southampton, &c. *reſerving the old Rents.* Another Entituled, *An Act for Naturalization of* Dorothy Spencer, *Daughter of* Henry *Lord* Spencer *Baron of* Wormleighton. *And the third,* Entituled, *An Act for the enabling a Sale, and Leaſing of Lands for payment of the Debts of* Thomas *late Earl of* Winchelſea.

The Lords Commiſſioners in their Robes ſitting upon a Form ſet acroſs the Houſe, between the State and the Keeper's Woolſack, the Houſe of Commons being ſent for came with their Speaker ; then the Clerk of the Parliament preſented upon his knee the Commiſſion unto the Lords Commiſſioners, and the Lord Privy Seal after he had acquainted the Peers, and the Houſe of Commons with his Majeſties pleaſure herein, he delivered the Commiſſion to the Clerk of the Parliament, who carried it to his Table and read it, which being done, the Clerk of the Crown read the Titles of each Bill ſeverally; after which the Clerk of the Parliament pronounced the Royal Aſſent ſeverally, and then the Commons returned to their own Houſe.

Thurſday, May 27. Mr. *Taylor* Burgeſs for *Windſor* expelled the Houſe.

The Commons being returned, Mr. *Taylor* a Barriſter, and Burgeſs for the Burrough of Old *Windſor*, was expelled the Houſe, and Voted uncapable of ever being a Member of Parliament, to be committed Priſoner to the Tower, during the pleaſure of the Houſe; to be carried down to *Windſor*, there to make publick Recantation of what he had ſpoken, and from thence to be returned back to the Houſe of Commons to receive further Sentence. And it was Ordered, That a Writ ſhould be preſently iſſued out for a new Election in his Room.

The words for which he was Expelled, and thus ſeverely treated, were atteſted by *John Hall* Mayor of *Windſor*, Mr. *Broughton* and Mr. *Waller*, That Mr. *Taylor* ſhould in diſcourſe about the death of the Earl of *Strafford*, ſay, *That the Houſe of Commons had not his Vote to the Bill of Attainder againſt* Thomas *Earl of* Strafford; *for that to do it before the Lords had finiſhed the Trial upon the Articles of Impeachment Exhibited by the Commons againſt him, was to commit murther with the Sword of Juſtice.*

Bill for Root and Branch read twice.

An Act for the utter aboliſhing and taking away of Arch-Biſhops, Biſhops, their Chancellours and Commiſſaries, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Chanters and Canons, and other Under-Officers out of the Church of *England* was read the firſt time; and upon the debate of the Houſe for a ſecond reading the Houſe was divided, *Yeas* 139, *Noes* 108, ſo the Bill was read the ſecond time, and committed to a Committee of the whole Houſe.

Bill for Tonnage & Poundage read twice.

A Bill was alſo read the firſt time for granting to his Majeſty the Duty of Tonnage and Poundage, and a ſecond time in the Afternoon.

Holmer the Printer bailed.

This day *Holmer* the Printer, who was committed to the Gate-houſe for printing an Elegy upon the Earl of *Strafford*, which then were called ſcandalous Verſes, was admitted to Bail.

Friday, May 28. The ſtate of the publick Debts.

An Eſtimate of the Debt of the Kingdom was this day brought into the Houſe, by the ſtate of which Account it appeared, That there was a Debt of ſeven hundred ſeventy three thouſand nine hundred pounds due to the two Armies, the City, and ſeveral private perſons, who had lent mony upon Parliamentary Credit; which brought on the Conſideration of the Bill for Raiſing Mony and Disbanding the Armies, which was read a ſecond time.

Bill for raiſing mony and diſbanding the Armies read a ſecond time. Bills againſt H. Commiſſion Court and Pluralities engroſſed.

Mr. *Rigby* Reports the Bills for taking away the High Commiſſion Court, and againſt Pluralities with the Amendments, which were both Ordered to be engroſſed.

Saturday, May 29.

Little of moment paſſed this day in the Commons Houſe, moſt of it being ſpent in debates about Raiſing Mony to defray the great Debt into which the Kingdom was plunged, by the coming in of the *Scottiſh* Army to be aſſiſtant in the Glorious Reformation of Religion, and Eſtabliſhment of the Subjects Liberty, for which guilded Words the Nation was to part with their real Treaſure: And it was but an untoward *Omen* how expenſive theſe great Patriots were like to prove for the future, who began ſo early to ſhew the People, that little leſs than a Million

May, 1641.

Several Lords examined about the Conſpiracy of the Army.

lion of Mony muſt be laid down as the Earneſt for this imaginary purchaſe.

It was this day Ordered, *That the Earls of* Newcaſtle *and* Carnarvan, *and the Lord Biſhop of* Chicheſter *ſhall be attended with this Order, and that their Lordſhips be deſired to repair unto the Lords Committees appointed by this Houſe to take the Examinations concerning certain late practiſes concerning the Army in the North, at Two of the Clock this Afternoon at the Lord Keeper's Lodgings near the Parliament Houſe, to be examined by them.*

Naſh and *Kynnaſton's* Caſe determined in a Writ of Error.

A Caſe having been depending between *Thomas Naſh*, and *Charles Kynnaſton* about Errors in a Writ of Error, and Council having been fully heard at the Bar of the Lords Houſe on both ſides, their Lordſhips Voted the ſaid Errors, alledged by the Plaintiff *Naſh*, to be frivolous, and thereupon awarded the following Order upon it.

In Suprema Curia Domini Regis Parliament'

Inter Thomam Naſh *Quer'* & Carolum Kynnaſton *Defendentem in placito tranſgr' & ejectionis Firmæ.*

Super quo viſis premiſſis & per Cur' Parliament' Domini Regis nunc hic diligent' Examinat' & plenius intellectis tum Record' & Proceſs' predict' ac Judic' predict' ſuper eiſdem Reddit' quam predict' Cauſa pro Errore predict' predict' Thom' *in Forma predict' aſſignat' & allegat' videtur, predicta ſuprema Curia Parliament' hic quoad Record. predict' in nullo vitioſum aut defectivum exiſtit at quod in Recordo illo in nullo eſt errat'; Ideo Conſideratum eſt quod judicium predictum in omnibus affirmetur & in omnibus ſuo robore & effectu ſtet & remanet dicta Cauſa pro Errore ſuperius aſſignat' aut allegat' in aliquo, non obſtante ſuper quo Record. & proceſſum predict' necnon proceſſ' predict' Curia Parliamenti ibidem in premiſſis habit' è predict' Curia Parliamenti coram Domino Rege ubicunque, &c. per predict' Cur' Parliamenti Remittentur, ac predictus* Carolus *in Curia Domini Regis coram ipſo Rege habeat Executionem judicii predicti verſus prefatum* Thomam *juxta formam & effectum judicii illius predict' Breve de Errore & ſuper' inde non obſtante.*

Subſcribed by the Clerk of the Parliament, and delivered to the Defendant in the Writ of Error 29 *May* 1641. to be remitted into the King's-Bench, that Execution may be had upon the Judgment.

Monday, May 31.
Bills for taking away the Court of Star-Chamber and regulating the Council Board ingroſſed.

Mr. *Prideaux* reports the Bill for taking away the Juriſdiction of the Court of Star-Chamber, as being contrary to Law, and tending to the bringing in of Arbitrary Government; as alſo a Bill for regulating the proceedings of the Council-Board; upon which they were ordered to be ingroſſed.

Tueſday, June 1.
Votes about the Petty Farmers of the Cuſtoms.

The Houſe fell this day upon the buſineſs of the petty Farmers of the Cuſtoms Sir *Nicholas Criſp*, Sir *John Nulls*, Sir *John Harriſon*, &c. and upon the Debate it was

Reſolved, &c. *That the Petty Farmers of the Cuſtoms, taking above three pence in the pound of Merchants Strangers, and others of the King's Subjects, more then by Law allowed, is Illegal.*

Reſolved, &c. *That the ſaid Petty Farmers for taking above the ſaid three pence in the pound, are Delinquents.*

June, 1641.

Reſolved,&c. *That the ſaid Petty Farmers are for the ſaid offence liable and ought to make reſtitution.*

Notwithſtanding which in favour of Sir *John Harriſon*,

Reſolved, That Sir John Harriſon *a Member of the Houſe, in regard of his great ſervice in advancing fourty thouſand pounds, ſhall not be prejudiced as to his ſitting in the Houſe.*

Sir *John Strangeways* moved in the behalf of himſelf and the 59 that Voted againſt the Bill of Attainder of *Thomas* Earl of *Strafford*, that there might be ſome order taken for their ſecurity, for that they went in fear of their Lives, daily affronts, and great abuſes being put upon them by licentious people, who reſorted about the Parliament Houſe. But theſe mighty aſſerters of the Priviledges of Parliament, one of the greateſt whereof is freedom of Speech and liberty to Vote according to a Man's Conſcience, thought not fit in this Caſe to aſſert their Priviledge, but to leave theſe worthy Gentlemen at the mercy of the Rabble, who were by no means to be diſobliged, there being further occaſion to make uſe of their Tumultuary Inſolence in order to their thorough Reformation.

Wedneſday, June 2.

Motion to bring in Plate to be Coined.

This day Mr. *Tayler* preſented his Petition, deſiring to be reſtored upon his ſubmiſſion, but it was rejected.

A Debate ariſing about ways for raiſing of Mony, a Motion was made, That in regard Mony could not be procured ſo ſuddenly as the preſent neceſſity of Affairs required, there might be ſome Expedient thought on to bring in the Plate of the Kingdom to the Mint, and it was referred to a Committee to conſider of it, and what way it might be done.

Bill for the Clerk of the Market ingroſſed.

The Bill for Regulating the Clerks of the Market being Reported, was Ordered to be Ingroſſed.

Thurſday, June 3.

Report of the Conference with the Lords about the Biſhops Bill.

Mr. *Pierrepoint* Reports the Conference with the Lords, concerning the Bill for diſabling Biſhops to Vote in the Houſe of Peers.

That their Lordſhips conceive that the Commons underſtand not unlawfulneſs to have any Votes there, to mean to be contrary to any Law, but of convenience or inconvenience; becauſe if they had thought it abſolutely unlawful, they would not have made Exception of the Univerſities, and of ſuch of the Nobility as ſhould happen to be in Holy Orders.

And for the Biſhops Right to Sit and Vote in Parliament, their Lordſhips conceive, that both by the Common Law, Statutes, and conſtant practice, there is no queſtion of it.

As for inconveniencies, their Lordſhips did not yet Underſtand any ſuch, that might induce them to deprive the Biſhops and their Succeſſors of the Right of voting in Parliament, but if there be ſuch, which they yet know not, they will be willing to hear them, and take it into Conſideration.

For their Votes in the Star-Chamber, Council Table, or any Office in Secular Affairs, they have fully conſented to the deſires of the Commons.

Their Lordſhips have Excepted the Dean of Weſtminſter, *as being a Corporation confirmed by Act of Parliament,* Sexto Eliz. *As alſo that of* Durham, Ely *and* Hexam, *and the ſeveral Juriſdictions of thoſe Biſhops, to* *to keep Courts-Baron there by their Stewards,* &c. *And all other Courts Executed by Temporal Officers, which their Lordſhips conceive not to be contrary to this Bill.*

Bill for Diſarming Recuſants, ingroſſed.

After which the Bill for diſarming Recuſants being reported, was ordered to be ingroſſed.

Bill againſt New Canons Read firſt time.

Then a Bill for the making void of certain Canons and Conſtitutions Eccleſiaſtical lately made, and for the puniſhment of ſuch Prelates and others as were the framers and makers of them, was read the firſt time.

The Houſe then Entred upon the conſideration of the *Scottiſh* Articles, ſome of which were aſſented to.

Friday, June 4th. Report of Sir *John Corbet's* Caſe.

Sir *Thomas Widdrington* reports the Caſe of Sir *John Corbet*, upon which theſe Votes paſſed.

Reſolved,&c. *That the Impoſition of* 30 *l.* per annum *laid upon the Subjects of the County of* Salop *for the Muſter-Maſters Fee by the Earl of* Bridgwater *Lord Lieutenant of that County, is an Illegal Charge, and againſt the* Petition of Right; *and that it is high preſumption for a Subject to impoſe any Tax upon the Subject, and that the taking it, is an Extortion againſt the Right of the Subject.*

Reſolved,&c. *That the Attachment from the Council Board by which Sir* John Corbet *was committed, was an Illegal Warrant.*

Reſolved,&c. *That Sir* John Corbet *ought to have Reparation for his unjuſt vexation and impriſonment.*

Reſolved,&c. *That the Earl of* Bridgwater *ought to make Sir* John Corbet *reparation.*

Reſolved,&c. *That the Houſe thinks fit that the Attorney General take the Information in the Star-Chamber againſt Sir* John Corbet *off the File, and that he take ſome Courſe that the Bond which he entred into to attend the Suit at the Hearing, be delivered unto him.*

Reſolved,&c. *That the Lords and others of the Privy Council whoſe hands are at the Warrant for the Commitment of Sir* John Corbet, *ought to joyn in this Reparation,* viz. *the Archbiſhop of* Canterbury, *Lord* Coventry, *Archbiſhop of* York, *Earl of* Mancheſter, *Lord* Cottington, Edw. *Lord* Newburgh, *Sir* Henry Vane, *Sir* Francis Windebank.

Anſwers to the Lords Reaſons for Biſhops Voting in Parliament.

Then the Houſe took into Conſideration the Reaſons which the Lords had offered at the Conference concerning the Biſhops having Votes in Parliament, and it was agreed to offer theſe Reaſons in Anſwer to them.

(1.) *The Commons do conceive that Biſhops ought not to have Votes in Parliament, Firſt, Becauſe it is a very great hinderance to the Exerciſe of their Miniſterial Function.*

(2.) *Becauſe they do vow and undertake at their Ordination when they enter into Holy Orders, That they will give themſelves wholly to that Vocation.*

(3.) *Becauſe Councils and Canons in ſeveral Ages do forbid them to meddle in Secular Affairs.*

(4.) *Becauſe the* 24 *Biſhops have dependency on the two Archbiſhops by their Oath of Canonical Obedience to them.*

(5.) *Becauſe they are but for their Lives, and therefore are not fit to have Legiſlative power over the Honors, Inheritances, Perſons and Liberties of others.*

(6.) *Becauſe of Biſhops Dependancy and Expectancy of Tranſlation to Places of greater Profit.*

(7.) *Becauſe that ſeveral Biſhops have of late much Encroached upon the Conſciences and Liberties of the Subject, and they and their Succeſſors will be much Encouraged ſtill to Encroach, and the Subjects will be diſcouraged from complaining againſt ſuch Incroachments, if Twenty ſix of that Order be to be Judges upon thoſe Complaints. The ſame Reaſon Extends to their Legiſlative Power in any Bill to paſs for Regulation of their Power upon any emergent inconvenience by it.*

(8.) *Becauſe the whole number of them is intereſed to maintain the Juriſdiction of Biſhops which hath been found ſo grievous to the Three Kingdoms, that* Scotland *hath aboliſhed it, and Multitudes in* England *and* Ireland *have Petitioned againſt it.*

(9.) *Becauſe the Biſhops being Lords of Parliament, it ſetteth too great a diſtance between them and the reſt of their Brethren in the Miniſtry, which occaſioneth Pride in them, Diſcontent in others, and Diſquiet in the Church.*

To their having Votes a long time,

If inconvenient, Time and Uſage are not to be conſidered with Lawmakers, and ſome Abbots voted as anciently in Parliament as Biſhops, yet taken away.

That for the Biſhops Certificate to plenarty of Benefice and Loyalty of Marriage, the Bill Extends not to them, the Biſhops making return of them by Courſe of Common Law.

That Argument taken from the Canons and Laws Eccleſiaſtical, muſt be conſidered as a fight againſt the Biſhops with their own Weapon, as a kind of Goliah's *Sword to cut off* Goliah's *head; but not as though the Houſe of Commons did hereby Juſtifie the Legality of any thing of that Nature.*

This Paſſage is in the Report of this Conference in the Lords Journal, but not in the Commons, They Judged theſe Canons not binding, ſo did the Biſhops too, yet they muſt be lawful againſt them.

That for the Proviſo *for the Univerſities and Temporal Lords, it may ſtand in the Bill if it pleaſe their Lordſhips.*

It was added, *That there is an* ACT *preparing for the Regulating of the Univerſities, and this* Proviſo *is but permitted to remain there by way of Proviſion till that be Effected.*

For the Secular Juriſdiction of the Dean of Weſtminſter, *the Biſhops of* Durham *and* Ely, *and the Archbiſhop of* York, *if they are to Execute them in their own perſons, the former Reaſons ſhew the inconvenience of them; and for the Temporal Courts and Juriſdictions which are Executed by their Temporal Officers, the Bill doth not concern them.*

How deeply Guilty theſe Anti-Epiſcopal Grandees of the Faction were of Hypocriſie and Colluſion, this Paſſage makes clearly apparent: for, whereas by the Bill upon which this Conference with the Lords was had, and for the ſupporting of which, theſe Reaſons were Framed, they ſeemed only to deſire that the Biſhops might not Sit and Vote in the Lords Houſe as Peers of the Realm, and not to take away the Office or Function, they had at that very inſtant, as the Reader by caſting his Eye but a little backward, may ſee, a Bill before them, for the utter Abolition and Extirpation of the Office it ſelf, with all its appennages, commonly known by the name of the *Root and Branch Bill.*

The deep Hypocriſie of the Grandees of the Anti-Epiſcopal Faction,

It is not my Province to deſcend into ſo great a Field of Controverſie as theſe Reaſons againſt the Biſhops Votes, would afford a Pen of Greater Leizure; however, becauſe theſe Papers may fall into ſome hands, who may not be ſo well Antidoted againſt the well gilt Poyſon, I will adventure to give them ſome ſhort ſtrictures.

And therefore Firſt, the Reader is to Conſider in general, That the Lords Spiritual being by the Common Law of this Realm Peers in Parliament, and by the Statute Law declared to be one of the Three Eſtates of the Kingdom, if any ſuch Inconveniences as are here objected againſt them, were ſufficient ground for the abolition of them, and conſequently altering the Frame of the Government; then *Paritate Rationis* it would follow, That the like or greater inconveniences would be a ſufficient ground for the utter aboliſhing or taking away of either or both the other Two Eſtates, *viz.* The Lords Temporal and Commons; which Aſſertion evidently deſtroyes the Being and Foundation of Parliaments, which ſure no *Engliſhman* can without Horror and Deteſtation hear. And indeed this very Conſequence led theſe very Perſons afterwards to Vote the Houſe of Lords *Uſeleſs and Dangerous*, and wholly to lay them aſide, and diveſt them of all the Priviledges of their Peerage in Parliament; to the utter Subverſion of the Ancient Frame of the Government.

Nor indeed were theſe Inconveniencies, which they repreſent here as ſo Formidable and Dangerous, of any weight or moment in themſelves. For as to the Firſt, *The hinderance of the exerciſe of their Miniſterial Function.* The very ſhare they have in preparing Laws, and giving their Aſſent to them in that Station, is one of the moſt weighty parts of their Epiſcopal Function, to take Care that ſuch Laws may be made in a Chriſtian Kingdom, as may be for the Glory of God, the Advancement of true Piety, and the Well Government of the Church. And for any other parts of their Office, though they ſhould not be ſo well able to perform them during the times of Seſſion of Parliaments (which yet for any thing made appear to the contrary they may do), Yet, the great neceſſity and advantage of their Legiſlative Right, may very well give a diſpenſation to the omiſſion of the leſs neceſſary Offices of their Function for ſo ſmall a time, as the Seſions of Parliament Uſed to be, till theſe Men obtained of the King that perpetuating *ACT*, of which it may truly be ſaid, That thereby he gave them leave to put Royal Manacles upon Majeſtie, and an opportunity after having bound him, to deſpoil him of his Crown and Life.

But beſides, if there were any weight in this Reaſon, it muſt always have had the ſame force and ſtrength againſt Eccleſiaſticks in any Age, or Under any Government intermedling in Secular and Civil Affairs; ſince it could not but be as much a hinderance to thoſe of former Ages in the Exerciſe of their Miniſterial Function as to theſe. But the conſtant Uſage of all Ages, Places, Times, and Nations, both Barbarous and Civil, Pagan, Jew, and Chriſtian, manifeſt, that the Univerſal Wiſdom of Mankind has been of a Contrary Opinion: Religious Perſons, having ever had an Extraordinary Deference paid them, and having always been accounted Worthy for their Abilities, Wiſdome, Learning and Integrity, to be admitted into the Councils of Princes; and having conſtantly had a great ſhare and intereſt both in the framing Laws, and managing the Civil Polities and Governments of Nations.

And more particularly the Sacred Hiſtory gives us a clear account, that in the Government of the *Jewiſh* Nation formed by God himſelf, the chief Prieſt was not only the Supreme Governor of that People, as well in things Sacred as Civil, but the inferior Prieſts under him were the Judges of Temporal as well as Eccleſiaſtical matters brought before them; and the ſame Objection lying as naturally and forceably againſt them as againſt theſe, cannot Excuſe theſe Objectors from affronting the Wiſdom of the Divine Legiſlator, who Expreſly Ordered it to be ſo; and truly it is but in other Words the Objection of *Corah* and his Accomplices, againſt *Moſes* and *Aaron*, *Ye take too much upon you ye Sons of* Levi.

To the Second, which is the Solemn promiſe they who Enter into Holy Orders make, *That they will give themſelves wholly to that Vocation.* The clear ſenſe of that is, That they will principally apply themſelves to the Duties of their Calling, and not to any Secular Imployments, as Husbandry, Merchandizing, or other Mechanical Callings, ſo as to hinder the performance of their Duty in the Offices of their Function; which, as before I have ſhewed, the Biſhops by Sitting and Voting in Parliament, cannot be ſaid to do. And to make this Evident, I will give a clear inſtance in the inferior Clergy: for ſuppoſe any one of them by his frugal Parſimony hath got a Sum of Mony, he may lawfully bargain, purchaſe, take and keep, a Temporal Eſtate for the future ſubſiſtence of his Family; he may lawfully Lett, Sett, Build, Leaſe, Receive Rents for ſuch Eſtate, or any one deſcending to him by Inheritance, and manage it to his beſt advantage, without the leaſt danger of violating or intrenching upon this promiſe made at his Ordination; and yet all theſe are Secular Affairs, which he may do without prejudice to his ingagement, ſo long as ſtill he makes the Vocation which he undertook at his receiving Holy Orders the main ſcope of his Life and Actions; and I think none will deny, I am aſſured no perſon will be able to prove the contrary, but that the Biſhops, notwithſtanding the uſe of their Peerage, yet make the Exerciſe of their Epiſcopal Function the main and principal buſineſs of their lives.

And ſo for the Third, *That Canons and Councils in ſeveral Ages do forbid them to meddle in Secular Affairs.* It is well known, that even thoſe who made thoſe Canons were themſelves at the ſame time Councellors to Princes, and particularly that Arch-Biſhop who made the Conſtitutions of *Weſtminſter* mentioned by *Linwood*, upon which theſe People were perpetually harping, was a Peer, who himſelf ſate in Parliament, and of the King's Privy Council; from which it is evident, that by thoſe Canons there was no deſign to intrench upon the Peerage of the Biſhops, but to prevent the inferiour Clergy from neglecting their Duty, and entring upon the more gainful and tempting employs of Secular Perſons; beſides that, thoſe Canons ſince the Reformation were not binding either to Biſhops or Clergy.

As to the Fourth, Fifth, Sixth, Seventh Reaſons, they are rather ſly Inſinuations and Calumnies then Reaſons, and ſuch as having no ſubſtantial matters in them worth anſwering, I ſhall therefore paſs them over, without any further notice, then, that admitting all for Truth there Objected, which yet was moſt notoriouſly Falſe, yet they are but perſonal Crimes, and therefore in Juſtice could only reach to thoſe particular Biſhops, but not to the Function it ſelf, or the Succeſſors of thoſe Biſhops; and if perſonal failings had been a ground to diſable the Members of Parliament from the Right of ſitting and voting in that Aſſembly, both for the preſent and future Succeſſion, 'tis not impoſſible to be ſuppoſed, but that a far greater number would for ever have been excluded

June, 1641.

cluded out of the Commons Houſe, then theſe 26 Biſhops out of the Houſe of Peers.

And for the Eighth, which is partly made up of Calumny, and partly of the Example of *Scotland* in aboliſhing Epiſcopacy, it is certainly the worſt way of Reaſoning in the World to argue a *facto ad jus.* And the way of Tumults, Treaſon, and actual levying War againſt their undoubted Lawful Sovereign, by which they got Epiſcopacy aboliſhed, were ſuch methods as certainly no ſober Chriſtians can think juſtifiable either before God or Man; and therefore no perſwaſive Reaſons, in their own Nature, to do the ſame in *England*.

The Ninth and Laſt Reaſon is of the ſame Leaven with the former, as if the promotion of thoſe Reverend Prelates to thoſe high Offices and Honours muſt of neceſſity blow them up with the vain Tumor of Pride. The truth is, the Covetouſneſs of ſome of the Laity, who greedily longed to devour the Revenue of the Church; and the Pride and Envy of the Factious Presbyterian and other diſſenting Miniſters, and not the Exaltation of the Biſhops, were the true Reaſons of their diſcontent; and of all the diſquiets, and great diſorders which enſued this troubleſome and reſtleſs Temper of the Non-conforming Miniſters, and of all the dreadful Revolutions which happened in theſe miſerable Kingdoms, to the utter Ruine and Overthrow both of Church and State, and to the Eternal infamy of theſe Pretenders to Reformation, and the True Proteſtant Religion.

That which ſeems to have the moſt force and weight, and is therefore reſerved to the laſt, is taking away the Votes of the Abbots in the time of King *Henry* the Eighth, upon the Diſſolution of thoſe Religious Houſes. To which, notwithſtanding the great ſtrength it ſeems to have, that for the ſame Reaſon the Biſhops might alſo be removed from the Peerage of *England*; it is eaſily anſwered, That though ſome Abbots were Barons in Parliament, and part of the Lords Spiritual, yet the taking away their Voees did no more deſtroy the third Eſtate in Parliament, then the Attainders of divers of the Nobility and Temporal Lords, and thereby taking away their Votes, did aboliſh the whole Order of the Peerage, another of the Three Eſtates: Whereas the taking away the Biſhops Voices and Peerage in Parliament muſt of neceſſity utterly Exterminate one of the three Eſtates, as before was ſaid, ſo dedeclared by the Statute Law of the Land.

Order of the Lords about Ship-mony remaining in divers Sheriffs hands.

Upon Information to the Lords, that divers Sheriffs had remaining in their hands Monies, which were collected of the Counties for Ship-mony, and undiſpoſed of; it was Ordered, *That theſe Lords Committees following, do conſider and think of ſome way to reſtore the Ship-mony remaining in the hands of any Sheriff, or Vnder-Sheriff and other Officers, undiſpoſed of in every Shire unto the ſeveral perſons from whom it was received; or elſe that it be imployed in ſome way for the eaſe and good of the Countries where it hath been Collected*, viz.

Earl of *Bath*,
Earl of *Eſſex*,
Earl of *Berks*,
Viſcount *Say* and *Seal*,
Epiſcop. *Winton*.
Epiſcop. *Lincoln*.

Their Lordſhips, or any four of them are to meet when and where they pleaſe.

June, 1641.

Petty-Farmers of the Cuſtoms Petition the Houſe.

The Petty-Farmers of the Cuſtoms, Sir *Paul Pindar*, Sir *John Jacob*, Sir *Job Harvey*, Sir *Nicholas Criſp*, and Sir *John Harriſon*, got a Petition preſented to the Houſe, which was read, and anſwered, *That the Houſe would take the juſtneſs of this Petition into Conſideration in due time.*

** Saturday, June 5th.* **Lay-Preachers.**

* One *Robinſon* a Clerk in the Cuſtom-Houſe, *John Spencer* a Horſe-Courſer, *Adam Banks* a Stockinſeller, *John Durant*, and one *Green*, being Complained againſt for Preaching, being mere Lay-men, were by Order ſummoned to appear before the Houſe. Thus Early the Banks of Epiſcopal Authority over the Church being broken down, did the floods of Ungodly men, the deluge of unordained Schiſmaticks begin to flow in upon the Nation, and by the Example of their Superiors who invaded the Crown, took incouragement to invade the Prieſthood; and though one would have thought, that this might have given them a fair proſpect of the Danger which muſt accrue to the Church by pulling down the Pillars of it, and thereby Encouraging the Factious Schiſmatiques to lay it waſt, yet Mr. Sollicitor *St. John*, Mr. *Glyn*, Mr. *Selden*, Mr. *Vaughan*, Mr. *Prideaux*, Mr. *Maynard*, Sir *Thomas Widdrington*, Mr. *Peard*, Mr. *Rigby*, Mr. *White*, Mr. *Hambden*, Mr. *Whitlock*, were ordered to Expedite the Charge againſt the Archbiſhop of *Canterbury.*

Committee appointed to Expedite the Charge againſt the Arch-Biſhop of *Canterbury.*

Lord Marqueſs of *Hartford* introducted 5. *Junii*, 1641.

This day the Lord Marqueſs of *Hartford* was introducted between the Lord Marqueſs of *Winton*, and the Earl of *Eſſex*, all in their Robes, the Lord Great Chamberlain, the Earl Marſhal and Garter going before; and having delivered his Patent of Creation, dated 3°. *die Junii*, 1641. 17°. *Carol. Regis*, upon his Knee unto the *Speaker*, who delivered it unto the Clark to be read; which being done, he was brought and placed next below the Lord Marqueſs of *Winton*.

In the Lords Houſe the Bill concerning the Biſhops was taken into Conſideration, and for the better debate of it, the Houſe, as was Uſual, was put into a Committee during pleaſure; but before the Houſe could come to any Reſult, a Meſſage was brought from the Houſe of Commons; hereupon the Houſe was reſumed; and it was Ordered, *That the further Debate of the Bill concerning the Biſhops ſhall be to morrow morning the firſt Buſineſs; and alſo the Reaſons of the Houſe of Commons why Biſhops ſhould not Vote in Parliament, are to be Conſidered.*

I will not be poſitive, but I have good reaſon to conjecture, That at this time and upon this occaſion the Lord Viſcount *Say* and *Seal* made one of his Long-winded Speeches againſt Biſhops, which was ſo much applauded by thoſe long Parliamentarians; and I am the rather induced to believe it, in regard of an Order of the Houſe immediately following the Debate, *in hæc verba.*

Order againſt formal Speeches as unparliamentary.

Ordered and Declared, That reading of formal Speeches and Anſwers out of Papers in this Houſe, is no Parliamentary Way.

The Houſe was not yet purged of thoſe Noble and Loyal Lords who were for Monarchy and Epiſcopacy, and the Supporting the Ancient and Fundamental Eſtabliſhment of Parliaments by the Three Eſtates of Lords Spiritual, Temporal, and Commons; and theſe long formal Speeches very much retarded the Proceedings and Debates of the Houſe, which ſeems to be the reaſon of this Order. However, take the Speech as I find it in ſeveral Prints, by which the Reader will ſee what the Champion of the Age againſt Biſhops was able to ſay upon the ſubject.

June, 1641.

The Lord Viſcount *Say* and *Seal* his Speech againſt Biſhops Votes, *&c.*

* Biſhop of *Lincoln*.

My Lords,

I Shall not need to begin as high as *Adam*, in anſwer to what has been drawn down from thence, by a *Biſhop, concerning this Queſtion; for that which is pertinent unto it will only be what Concerns Biſhops as they are Miniſters of the Goſpel, what was before (being of another Nature) can give no Rule to this. The Queſtion that will lye before your Lordſhips in paſſing of this Bill, is not *Whether Epiſcopacy* (I mean this Hierarchical Epiſcopacy, which the World now holds forth to us) *ſhall be taken away Root and Branch*; but, *Whether thoſe Exuberant, and ſuperfluous Branches, which draw away the Sap from the Tree, and divert from the right and proper uſe, whereby it becomes unfruitful, ſhall be cut off, as they uſe to pluck up Suckers from the Root.* The Queſtion will be no more but this, *Whether Biſhops ſhall be reduced to what they were in their firſt advancement over the Presbyters*, (which although it were but a human device for the Remedy of Schiſme, yet were they in thoſe Times leaſt Offenſive) *or continue ſtill with the Addition of ſuch things, as their own Ambition, and the Ignorance, and Superſtition of ſucceeding Times did add thereunto, and which are now continued for ſeveral Politic Ends.* Things heterogeneal, and inconſiſtent with their Calling, and Function, as they are Miniſters of the Goſpel, and thereupon ſuch, as ever have been, and ever will be, hurtful to themſelves, and make them hurtful to others, in the Times and Places where they are continued: And theſe things alone this Bill takes away, that is, their Offices and Places in Courts of Judicature, and their Employments by obligation of Office in Civil Affairs. I ſhall inſiſt upon this, to ſhew Firſt, how theſe things hurt themſelves; And Secondly, how they have made, and ever will make them hurtful to others. They themſelves are hurt thereby in their Conſciences, and in their Credits; In their Conſciences, by ſeeking or admitting things, which are inconſiſtent with that Function and Office, which God hath ſet them apart unto. They are ſeparated unto a ſpecial Work, and Men muſt take heed, how they miſemploy things dedicated, and ſet apart to the Service of God; They are called to Preach the Goſpel, and ſet apart to the Work of the Miniſtry; and the Apoſtle ſaith, *Who is ſufficient for theſe things?* ſhewing that this requireth the whole Man, and all is too little; Therefore for them to ſeek, or take other Offices which ſhall require, and tye them to imploy their Time, and Studies in the Affairs of this World, will draw a guilt upon them, as being inconſiſtent with that which God doth call them and ſet them apart unto. In this Reſpect our Saviour hath expreſly prohibited it, telling his Apoſtles, That they ſhould not Lord it over their Brethren, nor exerciſe Juriſdiction over them, as was uſed in Civil Governments among the Heathen: They were called *Gracious Lords*, and exerciſed Juriſdiction as Lords over others, and ſurely they might lawfully do ſo: but to the Miniſters of the Goſpel, our Saviour gives this Rule, *It ſhall not be done ſo by you*; If ye ſtrive for Greatneſs, he ſhall be the Greateſt, that is the greateſt Servant to the Reſt: Therefore in another place he ſaith, *He that putteth his Hand to the Plow, and looketh back to the things of this World, is not fit for the Kingdom of God*, that is, the Preaching of the Goſpel, as it is uſually called. To be thus withdrawn by intangling themſelves with the Affairs of this Life, by the Neceſſity and Duty of an Office received from Men, from the diſcharge of that Office, which God hath called them unto, brings a *Woe* upon them; *Woe unto me*, ſaith the Apoſtle, *If I preach not the Goſpel.* What doth he mean? If I Preach not once a Quarter, or once a Year in the King's Chappel? No, he himſelf interpreteth it; *Preach the Word, Be inſtant in ſeaſon, and out of ſeaſon, rebuke, exhort, or inſtruct, with all long-ſuffering, and doctrine.* He that hath an Office, muſt attend upon his Office, eſpecially this of the Miniſtery. The Practice of the Apoſtles is anſwerable to the Direction, and Doctrine of our Saviour. There never was, nor will be, Men of ſo great Abilities and Gifts as they were indued withal; Yet they thought it ſo inconſiſtent with their Callings to take Places of Judicature in Civil Matters, and Secular Affairs, and Imployments upon them, that they would not admit of the Care, and Diſtraction that a Buſineſs far more agreeable to their Callings, than theſe would caſt upon them; and they give the Reaſon of it in the 6th of the *Acts*, *It is not reaſon, that we ſhould leave the Word of God, and ſerve Tables.*

And again, when they appointed them to chooſe Men fit for that buſineſs, they inſtitute an Office rather for taking Care of the Poor, then they by it would be diſtracted from the Principal Work of their Calling; and then ſhew how they ought to employ themſelves; *But we* (ſaid they) *will give our ſelves continually to Prayer, and to the Miniſtry of the Word.* Did the Apoſtles, Men of Extraordinary Gifts, think it unreaſonable for them to be hindred from giving themſelves continually to Preaching the Word and Prayer, by taking Care for the Tables of the poor Widows, and can the Biſhops now think it reaſonable, or lawful for them to contend for Sitting at Council Tables to govern States, to turn Stateſ-men inſtead of Church-men, to Sit in the Higheſt Courts of Judicature, and to be imployed in making Laws for Civil Polity and Government? If they ſhall be thought fit to Sit in ſuch Places, and will undertake ſuch Imployments, they muſt not Sit there as Ignorant Men, but muſt be Knowing Men in buſineſſes of State, and underſtand the Rules and Laws of Government, and thereby both their Time, and Studies muſt be neceſſarily diverted from that which God hath called them unto; And this ſure is much more unlawful for them to admit of, then that, which the Apoſtles rejected, as a diſtraction unreaſonable for them to be interrupted by. The Doctrine of the Apoſtles is agreeable to their Practice herein, for *Paul* when he inſtructeth *Timothy* for the Work of the Miniſtery, preſſeth this Argument from Example of a good Souldier, *No man that Warreth intangleth himſelf with the Affairs of the World:* So that I conclude, That which by the Commandment of our Saviour, by the Practice, and Doctrine of the Apoſtles, and I may add, by the Canons of the Antient Councils, grounded thereupon, is prohibited to the Miniſters of the Goſpel, and ſhew'd to be ſuch a diſtraction unto them from their Callings, and Function, as will bring a *Woe* upon them, and is not reaſonable for them to admit of; If they ſhall notwithſtanding intangle themſelves withall, and enter into, it will bring a Guilt upon their Souls, and hurt them in reſpect of their Conſciences.

In the next place it doth blemiſh them, and ſtrike them in their Credit; ſo far from Truth is that Poſition, which they deſire to poſſeſs the World withal, that unleſs they may have theſe outward Trappings of Worldly Pomp added to the Miniſtry, that Calling will grow into Contempt, and be deſpiſed. The truth is, theſe things caſt Contempt upon them in the Eyes of Men. They gain them Caps, and Courteſy, but they have caſt them out of the Conſciences of Men; and the Reaſon is this, Every thing is eſteemed as it is Eminent in its own proper Excellency; the Eye in ſeeing, the Ear in hearing, not in ſpeaking; The one would be rather Monſtrous than Comely; the other is ever acceptable being proper; So is it with them, their proper Excellency is Spiritual, the Denyal of the World, with the Pomp and Preferments, and Imployments thereof, this they ſhould teach and practiſe, but when they contrary hereunto ſeek after a Worldly Excellency like the great Men of the World, and to Rule and Domineer as they Contrary to our Saviour's Precept, *Vos autem non ſic*, but it ſhall not be ſo amongſt you; inſtead of Honour and Eſteem, they have brought upon themſelves in the Hearts of the People that Contempt and Odium which they now ly under, and that juſtly, and neceſſarily, becauſe the World ſeeth that they prefer a Worldly Excellency, and run after it, and Contend for it, before their own, which being Spiritual, is far more Excellent, and which being proper to the Miniſtry, is that alone which will put a Value and Eſteem upon them that are of that Calling.

As theſe things hurt themſelves in their Conſciences, and Credit, ſo have they, and if they be continued, ſtill will make them hurtful to others: The Reaſon is, Becauſe they break out of their own Orbe, and move irregularly; there is a Curſe upon their Leaving of their own Place. The Heavenly Bodies while they keep within their own Spheres give Light, and Comfort to the World; But if they ſhall break out, and fall from their Regular and proper Motions, they would ſet the World on fire: So have theſe done, while they kept themſelves to the Work of their Miniſtry alone, and gave themſelves to Prayer, and the Miniſtry of the Word, according to the Example of the Apoſtles, the World received the greateſt benefit by them, they were the Light and Life thereof; But when their Ambition Caſt them down like Stars from Heaven to Earth, and they did grow once to be advanced above their Brethren, I do appeal to all, who have been verſed in the Antient Eccleſiaſtical Stories, or Modern Hiſtories, Whether they

June, 1641.

Lincoln.

have not been the Common Incendiaries of the Chriſtian World, never ceaſing from Contention one with another about the Precedency of their Sees, and Churches, Excommunicating one another, drawing Princes to be Parties with them, and thereby Caſting them into Bloody Wars. Their Ambition, and Intermedling with Secular Affairs and State-Buſineſs, hath been the Cauſe of ſhedding more Chriſtian Blood then any thing elſe in the Chriſtian World; and this no man can deny, that is verſed in Hiſtory. But we need not go out of our own Kingdom for Examples of their Inſolency and Cruelty; when they had a Dependancy upon the Pope, and any footing thereby out of the Land, there were never any that carried themſelves with ſo muchScorn and Inſolency towards the Princes of this Kingdom as they have done. Two of them the Biſhop that laſt ſpake hath named,but Inſtances of many more may be given; whereof there would be no End. Although the Pope be Caſt off,yet now there is another Inconvenience no leſs prejudicial to the Kingdom by their Sitting in this Houſe,and that is,they have ſuch an abſolute dependancy upon the King, that they Sit not here as Freemen. That which is requiſite to freedome,is to be void of Hopes,and Fears; He that can lay down theſe,is a Freeman,and will be ſo in this Houſe; But for the Biſhops,as the Caſe ſtands with them it is not likely they will lay aſide their Hopes, greater Biſhopricks being ſtill in Expectancy: and for theirFears,they cannot lay them down, ſince their Places andSeats in Parliament are not inveſted in them byBlood,and ſo hereditary,but by annexation of a Barony to their Office,and depending upon that Office,and thereby of their Places,at the King's Pleaſure,they do not ſo much as Sit here *Dum benè ſe geſſerint*,as theJudges now by your Lordſhips Petition to theKing have their Places granted them, but at Will and Pleaſure; and therefore as they were all Excluded by *Edw.* 1. as long as he pleaſed, and Laws made *Excluſo Clero*, ſo may they be by any King at his Pleaſure in like manner,they muſt needs therefore be in an abſolute dependency upon the Crown, and thereby at Devotion for their Votes; which how prejudicial it hath been, and will be, to this Houſe I need not ſay.

I have now ſhewed your Lordſhips how hurtful to themſelves and others theſe things, which the Bill would take away, have been; I will anſwer ſome Objections which I have met withall, and then crave your Pardon for troubling you ſo long.

Object. 1. *It will be ſaid that they have been very antient.*

2. *That they are Eſtabliſhed by Law.*

3. *That it may be an Infringement to the Priviledges of the Houſe of Peers,for the Houſe of Commons to ſend up a Bill to take away ſome of their Members.*

To theſe 3. Objections the Anſwer will be Eaſy.

1. To the Firſt, Antiquity is no good Plea; for that which is by Experience found to be Hurtful, the Longer it hath done hurt, the more need there is now to remove it, that it may do no more: beſides,other Irregularities are as antient which have been thought fit to be redreſſed; and this is not ſo antient, but that it may truly be ſaid, *Non fuit ſic ab initio.*

2. For being Eſtabliſhed by Law, the Law-Makers have the ſame Power, and the ſame Charge, to alter Old Laws inconvenient, as to make New that are neceſſary.

3. For Privilege of the Houſe it can be no breach of it; for either Eſtate may propoſe to other by way of Bill what they conceive to be for public good, and they have power reſpectively of accepting or refuſing.

There are Two other Objections, which may ſeem to have more force, but they will receive ſatisfactory Anſwers.

The One is, *That if they may remove Biſhops, they may as well next time remove Barons, and Earls.* For Anſwer.

1. The Reaſon is not the ſame,the one Sitting by an Honor inveſted in their Blood, and hereditary, which tho it be in the King to grant alone, yet being once granted, he cannot take away: The other Sitting by a Barony depending

upon an Office, which may be taken away; for if they be deprived of their Office, they Sit not.

2. Their Sitting is not ſo Eſſential, for Laws have been, and may be made, they being all Excluded; but it can never be ſhewed, that ever there were Laws made by the King, and them, the Lords and Earls Excluded.

Object. The other Objection is this, *That this Bill alters the Foundation of this Houſe, and Innovations, which ſhake Foundations, are Dangerous.*

Anſw. I Anſwer firſt, That if there ſhould be an Error in the Foundation, when it ſhall be found, and the Maſter-Builders be met together, they may, nay they ought rather to amend it, than to ſuffer it to run on ſtill, to the prejudice, and danger of the whole Structure.

2. Secondly, I ſay this is not Fundamental to this Houſe, for it hath ſtood without them, and done all that appertains to the Power thereof without them; yea, they being wholly Excluded, and that which hath been done for a time at the King's Pleaſure, may be done with as little danger for a longer time; and when it appears to be fit, and for public good, not only may, but ought to be done altogether by the Supreme Power.

If this Speech be well conſidered, ſetting aſide the flouriſh his Lordſhip makes with perverted Scripture, there is little in it that might deſerve any Anſwer; for the whole is built upon theſe two falſe Foundations:

Firſt, That the Biſhops are not one of the Three Eſtates in Parliament; an Opinion deſervedly Exploded both by Common and Statute-Law, and by all Perſons of Senſe and Honor, Except ſuch as would therefore have the King to be the Third Eſtate, that ſo by bringing in a Co-ordinacy of Power, they may the better accompliſh their Anti-Monarchical Deſigns; or at leaſt reduce the Ancient and Imperial Crown of theſe Realms, to the Condition of a *Venetian* Seigniory.

The Second of his Lordſhips unſound Foundations is, *That it is abſolutely Unlawful for Eccleſiaſtical Perſons to intermeddle at all in Secular or Civil Concerns*; But his Lordſhip either did not conſider, or did forget that even St. *Paul*, by his own Confeſſion being a Tent-maker, wrought with his hands, which is a Secular Employ, notwithſtanding his Command to the Miniſters to be *inſtant in ſeaſon,&c.* and the *Woe to them that do not preach the Goſpel*, upon which his Lordſhip builds all his Speech. And it is obvious, that not only this hard labour muſt be a greater hinderance to his diſcharging his duty, than what is here alledged againſt the Biſhops, but that Secular Employes are not abſolutely Unlawful even for an Apoſtle,much leſs a Biſhop. And abating the Unlawfulneſs, which this Inſtance for ever will ſuperſede, there can be no Inconvenience,but may be thought abundantly Recompenſed in a Chriſtian Common-Wealth by the Sage and Religious Advice of theſe Learned, Reverend and Pious Prelates, in framing Laws for a Chriſtian Society, and the good Government of the State which is imbodied into the Church in a Chriſtian Commonwealth; and when this is winnowed from his Lordſhip's Speech, all the reſt will be but Chaff.

The Lord General produced a Letter ſent to his Excellency from Sir *Thomas Glemham* at *Hull*, declaring the great Diſorders, and Unrulineſs of the Souldiers there, and of the Mutiny,that lately was among them; in which Uproar one of their Captains was killed, and others threatned. And he further informed the Houſe, *That the Army through want of Money and Proviſions, is ſo diſperſed into ſeveral places, that they*

The Soldiers Diſorderly and Mutinous for want of Pay.

they are no Security to thoſe Parts in caſe the Army of the Scots *ſhould advance.*

Whereupon it was reſolved to have a Conference with the Commons about the ſtate of the Army.

Monday, June 7. **Report of the Caſe between the Biſhop of** ***Ely*** **and the Lady** ***Hatton.*]**

Mr. *Whitlock* Reports from the Committee to whom the Lady *Hattons* Complaint againſt the Biſhop of *Ely* was referred,

That Richard Cox *Biſhop of* Ely, *in the* 18 Eliz. *made a Leaſe of ſome Old Buildings and Lands next* Ely *Houſe to Sir* Chriſtopher Hatton *Lord Chancellor of* England, *for* 21 *Tears, he intending there to make a Habitation for himſelf. That* 19 Eliz. *Biſhop* Cox *Conveyed the Inheritance to the Crown, the Intention of it for the Uſe of the ſaid Chancellor* Hatton, *to whom it came afterward. In the Preamble of that Conveyance, there was a Clauſe for the Biſhop of* Ely *and his Succeſsors to redeem the Premiſſes, upon the repayment of ſuch Moneys as the Lord Chancellor* Hatton *ſhould diſburſe, who disburſed in Building, One thouſand eight hundred and ninety pounds odd Money: Chancellor* Hatton *intailed the Premiſſes, and they were after Extended for a Debt to the Queen, and an Act of Parliament was paſſed to Enable the Sale of them by another Sir* Chriſtopher Hatton *who was ſeized by the Entail, and who did for valuable Conſiderations* 5 Jac. *ſell the premiſſes to the Lady* Eliz. Hatton *the Petitioner, who ſince Expended in Building, Repairing and Improving it, Seven Thouſand eight hundred pounds odd mony, and ever ſince the purchaſe, being* 34 *Tears, till* Nov. 14 Car. *when the now Biſhop of* Ely *Dr.* Wren *preferred his Bill into the Court of Requeſts, to have the Houſe and Lands reſtored to his See by the Clauſe of Redemption in the Conveyance from Biſhop* Cox; *pretending ſhe had notice of it; She in anſwer upon Oath denies that ſhe had any notice of the Truſt, and none is proved by the Biſhop; the Cauſe came to hearing in* Nov. 15 Car. *but no Judgment, though the Lady* Hatton *moved they would do it; and of this ſuſpending of Judgment, my Lady complains is a great prejudice to her.* Whereupon it was

Reſolved,&c. *That the ſuſpending of Judgment in the Court of Requeſts in the Caſe depending between the Biſhop of* Ely *and the Lady* Hatton, *is an unneceſſary Delay.*

Reſolved,&c. *That the Lady* Hatton *is a Purchaſer upon valuable Conſiderations, and hath been at great Expences in Building, Repairing and Improving the ſaid Eſtate.*

Reſolved,&c. *That the Eſtate of the Lady* Hatton *being good in Law, is not redeemable in Equity, nor ſubject to the ſaid pretended Truſt.*

Reſolved,&c. *That the Bill depending in the Court of* Requeſts *between the Biſhop of* Ely *and the Lady* Hatton, *ought to be diſmiſsed upon the merits of the Cauſe.*

Lay-Preachers reprehended.

After which the Lay-Preachers *Spencer*, *Green*, *Robinſon*, &c. who had been ſent for by Order of the Houſe, were called in, and Mr. *Speaker* gave them a reprehenſion, telling them, *That the Houſe had a general diſtaſt at this their proceedings, and that if they ſhould offend at any time in the like kind again, this Houſe would take Care they ſhould be ſeverely puniſhed.*

It is Eaſy to Obſerve with what tenderneſs theſe Sacrilegious Invaders of the Calling of the Miniſtry were treated by theſe High-flown Pretenders to Reformation, who were diſmiſſed for this Offence againſt

God and all good men only with fair Warning and a Gentle Reproof; when at the ſame time the Orthodox and Regular Clergy who had a Lawful Commiſſion to ſpeak the Truth and ſtand up in Vindication of the Church, were, upon every frivolous complaint from their Enemies the Sectaries, for every word which could be tortured to depoſe any thing againſt the Proceedings of the Commons, ſent for in Cuſtody, impriſoned, Outraged, Stigmatized, and many of them and their poor and innocent Families utterly ruined and undone.

The Houſe of Lords being adjourned into a Committee during pleaſure, to Debate the Reaſons ſent up from the Commons at the Conference touching the Biſhops not Voting in Parliament, and after a long Debate the Houſe was reſumed.

The Bill againſt Biſhops thrown out of the Lords Houſe.

Then the Bill was read a third time, Entituled, *An Act for reſtraining Biſhops and others of the Clergy in Holy Orders from intermeddling in Secular Affairs.* And being put to the Queſtion, *Whether it ſhould paſs as a Law?* it was Reſolved by the Major part, *That it ſhould not.*

***Tueſday,* June 8.**

Upon Letters this day Received from Sir *Jacob Aſhley*, it was declared, *That notwithſtanding the Information of Mr.* Darley *againſt him, yet he was in the good Opinion of the Houſe.*

The Houſe was then informed that the Forty thouſand pounds, and the Hundred and twenty thouſand pounds promiſed to be lent by the City, were yet unpaid in, notwithſtanding many motions.

Hereby it appears, that Alderman *Pennington* did not always ſpeak the Truth in that Houſe, when he informed them, *That upon the King's paſſing the Bill of Attainder againſt the Earl of* Strafford, *Money came in as faſt as it could be told.*

The Ceſſation of Arms continued a fortnight longer from the 24*th* of *June* upon the ſame terms.

Star-Chamber and Council Table Bills read, and paſſed. Report from the Cloſe Committee.

The Bills for taking away the Court of *Star-Chamber*, and Regulating the Proceedings of the Council Board, were read a ſecond time, and paſſed.

Mr. *Fines* Reports from the Cloſe Committee, Matters concerning the *Tower* of *London*, the *French*, the Flight of the Gentlemen accuſed of a Conſpiracy in the Army, to bring them up to Aw the Parliament; The Earl of *Strafford's* deſign to have made an Eſcape had he not been prevented; The Papiſts reſorting into *Hampſhire* towards *Portſmouth*, and the Fortifying of it; Mr. *Jermyn's* deſire to get *Portſmouth* into his hands; And the *French* Troops drawing down to *Callice*, *Diep*, and *Granville*.

Exceptions taken againſt the L. *Digby* for words concerning *Goring's* Oath.

Exceptions were taken at the Lord *Digby* for words ſpoken concerning an Oath, which Colonel *Goring* confeſſed he had taken to be ſecret, ſaying, *he was a perjured man.* After a warm Debate upon it, and he had in his Place Explained himſelf, yet the Houſe not being ſatisfied with it, he was ordered to withdraw.

The Factious Sectaries diſturb the People at the Communion.

A Petition was this day read in the Houſe of Lords, declaring *the great Diſorders committed in the Pariſh Churches of Saint* Saviours *and St.* Olaves *in* Southwark, *in time of the Adminiſtration of the Communion*; hereupon it was Ordered, *That the Names of the particular Offenders be given in to this Houſe, and then this Houſe will give ſuch Order therein as ſtands with Juſtice, and the Deſert of the Cauſe.*

Theſe were the Men for Reformation, whom nothing, not the moſt Sacred Duty of Chriſtian Religion, could keep within the bounds of Decency and Order.

The

June,
1641.

Order of the Lords about Writs of Error.

The Lords finding themſelves Extremely Preſſed by the bringing Writs of Errors upon Judgments into their Houſe, whereby the Publique Affairs were much retarded, made this Order.

Ordered, That ſuch perſons that bring in Writs of Error into this Houſe upon a Judgment given in a Court of Juſtice, and if it appear that there is no Juſt Cauſe of Error in the ſaid Judgment, but merely for delay of Juſtice and Execution, that then ſuch Coſts is to be given againſt the Parties that bring the Writ of Error, as the Houſe ſhall think fit to give in that Caſe; And that the Record ſhall be remitted whence it came, that the Defendant may take out Execution upon the Judgment.

Wedneſday, June 9.

Sir *William Widdrington* and Sir *Herbert Price* ſent to the *Tower*, for bringing in Candles againſt the deſire of the Houſe.

The Houſe of Commons Sitting late the laſt Night upon the Debate concerning the Lord *Digby*, and ſome perſons calling for Candles, which the major part oppoſed, being inclined to riſe, but by miſtake the Candles being brought in, and Sir *William Widdrington* and Sir *Herbert Price* taking them from the Serjeant without a General Command, which occaſioned a great diſturbance in the Houſe. Mr. *Hollis* made a Speech in aggravation of their Offence, ſhewing, *That the Houſe of Commons being a Rule and Example of Order, there ought to be no Diſorders within thoſe Walls; for that if there were ſuch within, well might it be Expected there would be without, and that it might be the occaſion of ſhedding much blood among themſelves, if upon ſuch a difference Parties ſhould have ſided one againſt another.* Whereupon, though both the Gentlemen made their Submiſſion and craved the Pardon of the Houſe, yet they were immediately committed Priſoners to the *Tower* during the Pleaſure of the Houſe.

The Houſe then fell upon the laſt Nights Debate concerning Colonel *Goring*'s Diſcovery, and it was

Vote in favour of Colonel *Goring*'s diſcovery.

Reſolved,&c. *That Col.* Goring *in his Depoſitions concerning the Diſcovery, has done nothing contrary to Juſtice or Honor, but has therein deſerved well of the Commonwealth and of this Houſe.*

By this time I doubt not but the Reader's Curioſity will prompt him to know the meaning of this Conſpiracy, which made as much noiſe in *London*, and indeed throughout *England*, as ever the famous Conſpiracy of *Cataline* did at *Rome*, I will give him the beſt Information I can from the Memoires of the Lord *Mancheſter*, and in his own words.

An Account of the Conſpiracy in the Army, from the Memoires of the Earl of *Mancheſter*.

“ TO prevent the Earl of *Strafford*'s Death, *ſaith he*, ſeveral Deſigns
“ had been upon the Wheel, but all failed, therefore it was con-
“ ſulted how to Engage the Army in the *North* to ſerve the King in
“ order to his Freedom from the Parliaments Fetters *metre le Roy hors*
“ *d' paye*, as the Royaliſts termed it. This occaſioned ſeveral Addreſſes
“ to the Principal Commanders in the *North*; but they were fearful
“ and backward to entertain any Motions or Propoſitions which might
“ put them upon a breach with the Parliament.

“ But Mr. *Percy* and Mr. *Jermin* finding a great diſcontent in thoſe
“ Commanders of the Army who were Members of Parliament, as Col.
“ *Wilmot*, Col. *Aſhburnham*, and Col. *Pollard*, who thought that their
“ Services had merited much better of the Parliament, then that the
“ *Scotch* Officers and *Scots* Army ſhould be preferred before them in
“ their Gratuities and in their Pay.

“ Theſe Commanders owning that the Parliament had diſobliged
“ them, gave Mr. *Percy* a riſe to preſs with greater Earneſtneſs his deſign

of Engaging them to ſerve the King; and to that End an Oath of Secrecy was framed, and others were admitted into their Confederacy, as Mr. *Jermin* and Mr. *Goring*, and Propoſitions were framed.

“But it fell out in this as in moſt Conſpiracies of the like Nature, that though the ſame Oath was taken by all that met together, yet it was not taken by all with the ſame perſuaſion or intention.

“For Col. *Goring* whoſe Ambition was not anſwered in being promiſed the Place of Lieutenant General of the Army, and finding others employed whoſe perſons he diſliked, he having a full Information from Mr. *Percy* and Mr. *Jermin* of all the Deſign, thought it would tend moſt to his Security and Advantage to reveal the Conſpiracy, and being verſed in all the Methods of falſhood, he choſe the Time and Means which he thought would be moſt acceptable and obliging to the Parliament.

“He therefore firſt imparts it to the Earl of *Newport*, who was his particular Friend, and deſired him to bring him to ſome other Lords of the Parliament, ſuch as might be moſt likely to prevent that Miſchief which was intended: and accordingly the next day about Evening the Lord *Newport* brought him to the Earl of *Bedford*, and the Lord *Mandeville*, to whom he firſt made a Proteſtation of his Fidelity to the Parliament, and of his readineſs to run all hazards for the Safety of it.

“Then he imparted the ſubſtance of the Deſign, and deſired them to make what Uſe of it they thought fit for their own and the Commonwealths Security, but not to bring him as the Accuſer of the Perſons, except Neceſſity did require it.

“The Lords who had this Deſign revealed unto them, thought it neceſſary to diſcharge themſelves, and communicated it to ſome Members of the Houſe of Commons, by whoſe Advice it was agreed, That *Goring* ſhould repair to his Government at *Portſmouth*, and that ſo ſoon as he was gone, the Perſons whom he had diſcovered to be Actors in this Deſign, ſhould be apprehended; but private Notice being given to Mr. *Percy* and Mr. *Jermin*, they prevented the Juſtice of the Parliament by their Eſcape out of *England*.

“Mr. *Percy* with ſome difficulty and hazzard took Shipping in a private Port in *Suſſex*, Mr. *Jermin* ventured upon *Goring*'s Faithfulneſs to him, and brought unto him a Warrant under the King's Hand to ſee him ſafely tranſported in one of his Frigots, which he obeyed with Care and Readineſs, though at the ſame time the Parliament had ſent Orders to him by Commiſſioners authorized under the Great Seal according to the King's Directions to apprehend him, but he pretended the Orders came not time enough: And at the ſame time he took an Oath which was adminiſtred by the King's Authority under the Great Seal, to be True and Faithful to the King and Parliament, and keep the Town of *Portſmouth* for their Uſe, and not to deliver it but by both their Conſents.

“The Plot being made known to the Houſe of Commons, they reſented it as a thing of very dangerous Conſequence, and found it neceſſary therefore that Mr. *Goring* ſhould own the Diſcovery of the Deſign; and immediately he was ſent for by the Houſe of Commons whereof he was a Member; and being preſent there, he was commanded to declare his Knowledg of the Deſign. Upon this Command he Expreſſed himſelf in theſe Terms:

June, 1641.

“ Having been told, that there was an Intention to Unite the Forces of our Army, and to put them into a Poſture of being able (if not purpoſe of being willing) to interpoſe in the Proceedings of Parliament, I hearkened to the Propoſitions of ſoliciting a Redreſs for the Miſeries of the Souldiery (being the firſt ſtep to this) in reſpect of the preſent Neceſſities of it, not any future conſequence of trouble to thoſe that were to procure our Relief: But leſt the manner of asking this, or the Effect of it, being obtained, might be leſs juſt than the thing it ſelf which was deſired, and I might be involved in their Crime that had further Ends perhaps, than merely the Redreſs of our Armies Grievances, I thought it not amiſs to take ſome Witneſs of my Integrity along with me; and ſpake to a Noble Lord the very ſame Day when I aſſured him, there were ſome Officers of the Army that were leaſt thought on, that had not the greateſt Zeal to the Proceedings of this Houſe, and I thought there would be an occaſion to let him know more of it within few Days.

“ After this Mr. *Jermin* and I being admitted into a Conſultation where we were tied to Secrecy by an Oath in the Company of thoſe Gentlemen I have named in my Depoſitions, where their purpoſe was declared to us in ſome Propoſitions which were to this Effect:

“ Firſt, putting the Army into a Poſture to ſerve the King.

“ Secondly, Tendring a Declaration to the Parliament, containing, That no Act of Parliament ſhould be made contrary to any former Act which was Expreſſed, That *Epiſcopacy* ſhould be kept up as it is now.

“ Thirdly, That the King's Revenue ſhould be Eſtabliſhed.

“ This I thought unlawful for our undertakings, ſince they intended to interpoſe in the Determinations of this Houſe, and it belongs to an Army to maintain, not to contrive the Acts of State.

“ I objected therefore againſt their Propoſitions, and more the Follies and Difficulties, than the irregularities of them, not only becauſe I thought Reaſon a greater Argument with them than Conſcience, but becauſe I was ſo unhappy of the two to be thought a worſe Commonwealths-man than a Souldier, and in that quality could procure moſt Credit for my words. I endeavoured to ſhew them, that as the Deſign would be impious if the moſt deſperate Counſels had been followed, ſo it would have been the weakeſt that ever was undertaken if they were omitted. And whereas I am ſaid to have a part in this Violent Councel, till the day before this Meeting, I never heard word of it, and knew not when I came to the Room, whether theirs were not the ſame with the other; This they may witneſs for me, and that I declared I would have to do with neither, and that I expreſſed contempt of our meeting in that manner.

“ But I rely upon the Teſtimony of ſome Noble Lords of his Majeſties Council and others, how I proteſted againſt all thoſe violent Councels even in the Birth of them, and with what Piety I looked towards the Perſon of his Majeſty and the whole Kingdom in this Buſineſs; I appeal alſo to them and ſome Members of this Houſe, what my Carriage was towards theſe Gentlemen, that were imbarqued in theſe Undertakings, intending rather to prevent a miſchief by abandoning their Councels, than to ruin them by diſcloſing them: But miſtake me not, for had I known of any former Plot proceeded in, that could indanger or diſturb the Quiet of his Majeſty, or the Peace of the King-

“ dom, I ſhould not have been contented with declaring mine own Innocency,nor have ſtayed till the Commands of this Houſe,or an Oath Extorted from me a diſcovery ; but by a haſty open Declaration have broke the Laws of Amity and Friendſhip,and all former Tyes to the preſent Duty of a Subject,and as freely Expoſed the Knowledg of all to the View of the World, as I have been tender in publiſhing theſe Purpoſes, even to my neareſt Friends, which had weight enough to cruſh nothing but the Undertakers of it. And certainly if they had ſtayed where I left them, there was no Concluſion at all.

“ It appears there were two ſeveral Intentions digeſted by others before they were communicated to me ; and I know not whether my hearkening to them was a fault, but I am ſure it was no misfortune.

Thurſday, June 10. **The L. *Digby* Expelled the Houſe of Commons, but made a Baron.**

By what hath been related, the Reader will Eaſily perceive for what Reaſon my Lord *Digby* thought himſelf Obliged to ſpeak ſo ſharply againſt Colonel *Goring*, as by his own Confeſſion guilty of a Wilful Perjury, as Entring into the Oath of Secrecy purpoſely with an Intention to diſcover the Confederacy.But all this would not Satisfie the Faction,who had entertained a mortal diſpleaſure againſt him for his Apoſtacy,as they called it, in declaring ſo frankly his Opinion againſt the Bill of Attainder againſt the Earl of *Strafford*; for though their Reſentments ſlept ſome time, it was only to gain a fit opportunity to diſcover their Revenge to purpoſe ; and therefore laying hold of theſe Expreſſions againſt Colonel *Goring*, he was this Day by Vote Expelled the Houſe as unworthy to continue any longer a Member of it, and Mr. *Speaker* was Ordered to give Directions to the Clerk of the Crown to iſſue out a Writ for a new Election in his Place.

But this was only to ſhew their Revenge ; for this very day he was introducted with the Uſual Ceremony into the Houſe of Lords, and placed next below the Lord *Brook*,his Writ being dated the *9th* of *June*, 17 *Caroli Regis* : And immediately upon this it was

Ordered, That the Lord Digby *be added to all the ſtanding Committees.*

The Names of thoſe that committed the Diſorder at the Communion, and the Lords Order about it.

The Names of the Perſons complained of Yeſterday for Diſorders in the Church, were this day given in to the Houſe of Lords. Thoſe that pulled down the Rails about the Communion Table in St. *Saviour*'s Church in *Southwark*, were

William Smiſter, William Shepheard, Toby Grotwick, Hugh Barcock, George Ewer, George Pitcher, Tho. Low.

The Names of thoſe that committed the Diſorder in the Church of St. *Olaves* in *Southwark* in time of adminiſtring the Communion,

Robert Wainman, Bonace, Hugh Evans, John Moor.

Ordered, That the perſons aforenamed be ſent for to appear before this Houſe as Delinquents to anſwer their ſeveral Offences.

Friday, June 11. **Debate about the Bill for aboliſhing Epiſcopacy *&c.***

The Commons fell this Day upon the *Root and Branch Bill*, and the Houſe being reſolved into a Grand Committee of the whole Houſe, the Title of the Bill was firſt Voted, and many Speeches and Arguments were on both ſides Urged for and againſt it ; but it is my Misfortune, as I muſt always complain, as well as the Reader's loſs, that he can hear little of the matter but *Ex parte* : for ſuch was then the prevalency of the Faction, that what Ever was ſpoken in the behalf of Epiſcopacy,was ſtifled, diſcouraged and ſuppreſſed, and in this ſmall Tract of time ſince the

the Revolution utterly loſt and forgotten; whereas all the Speeches of the Leading Men of the Faction, were either by their own or by the Order of the Houſe Printed, Publiſhed and Diſperſed throughout the Kingdom; by which Art they did not only then perſuade the Nation, who ſaw nothing in Anſwer to theſe Libellous Speeches, that their Reaſons were unanſwerable, but they came by falling into ſo many hands to be preſerved, I hope as Eternal Monuments of Infamy to their Authors, and Excellent Cautions to future Ages, who will Eaſily be able to Judge when they hear of the like Speeches, what a kind of Reformation, and what deſences of Liberty and Property they are to Expect from ſuch pretended Patriots and Speech-makers, who pull up the very Foundations of the Government under the pretence that it is Unſound and Rotten.

And indeed were it not that theſe Collections are generally like to fall into ſuch Judicious hands as will be able to ſeparate the inſinuating Malice and Poiſon from them, and thereby make them Uſeful, by framing Arguments againſt them, and winnowing the Chaffy part of their reaſoning from them, I could not judge it Expedient to tranſmit theſe ſour Grapes to Poſterity; nor to revive them, did I not believe they might ſerve as uſeful precautions to preſerve their Teeth from being ſet on Edge.

Upon this ſubject Sir *Henry Vane* who was now become not only the Proſelyte, but Favourite of the Faction, for the Famous Blow he had given the Earl of *Strafford*, made this inſuing Speech at the Committee of the whole Houſe, Mr. *Hide* being in the Chair.

Mr. *Hide*,

Sir *Henry Vane*'s Speech againſt Epiſcopal Government, *June* 11. 1641.

THE Debate we are now upon is, *Whether the Government by Archbiſhops, Biſhops, Chancellors, &c. ſhould be taken away out of the Church and Kingdom of* England? For the right ſtating whereof, we muſt remember the Vote which paſſed Yeſterday not only by this Committee, but the Houſe, which was to this Effect: *That this Government hath been found by long Experience, to be a great impediment to the perfect Reformation and Growth of Religion, and very Prejudicial to the Civil State.*

So that then the Queſtion will lie thus before us, *Whether a Government, which long Experience hath ſet ſo ill a Character upon, importing Danger not only to our Religion, but the Civil State ſhould be any longer continued amongſt us, or be utterly aboliſhed?* For my own part, I am of the Opinion of thoſe, who conceive that the ſtrength of Reaſon already ſet down in the Preamble to this Bill by Yeſterdays Vote, is a neceſſary deciſion of this Queſtion: For one of the main Ends for which Church-Government is ſet up, is to advance and further the perfect Reformation and Growth of Religion, which we have already Voted this Government doth contradict; ſo that it is deſtructive to the very end for which it ſhould be, and is moſt neceſſary and deſireable; in which reſpect, certainly we have cauſe enough to lay it aſide, not onely as uſeleſs, in that it attains not its end, but as dangerous, in that it deſtroyes and contradicts it.

In the ſecond place, we have Voted it prejudicial to the Civil State, as having ſo powerful and ill an influence upon our Laws, the Prerogative of the King, and Liberties of the Subject, that it is like a ſpreading Leproſie, which leaves nothing untainted, and uninfected which it comes near.

May we not therefore well ſay of this Government, as our Saviour in the Fifth of *Matthew* ſpeaks of Salt, (give me leave upon this occaſion to make uſe of Scripture, as well as others have done in this Debate) where it is ſaid that Salt is good; *But if the Salt hath loſt its ſavour, wherewith will you ſeaſon it? It is thenceforth good for nothing, but to be caſt out, and trodden under foot of men*: So Church-Government, in the general, is good, and that which is neceſſary, and which we all deſire;

June, 1641.

deſire; but when any particular Form of it hath once loſt its ſavour, by being deſtructive to its own ends, for which it is ſet up, (as by our Vote already paſſed we ſay this hath) then ſurely, Sir, we have no more to do but to caſt it out, and endeavour, the beſt we can, to provide our ſelves a better.

But to this it hath been ſaid, *That the Government now in queſtion, may be ſo amended and reformed, that it needs not be pulled quite down or aboliſhed, becauſe it is conceived, it hath no original ſin, or evil in it: or if it have, it is ſaid, regeneration will take that away.*

Unto which I anſwer, I do conſent that we ſhould do with this Government, as we are done by in regeneration, in which all old things are to paſs away, and all things are to become new; and this we muſt do, if we deſire a perfect Reformation, and growth of our Religion, or good to our Civil State. For the whole Fabrick of this Building is ſo rotten and corrupt, from the very Foundation of it to the top, that if we pull it not down now, it will fall about the Ears of all thoſe that endeavour it, within a very few years.

The univerſal rottenneſs or corruption of this Government, will moſt evidently appear by a diſquiſition, into theſe enſuing particulars.

Firſt, Let us conſider in what Soil this root grows; Is it not in the Pope's Paradiſe? do not one and the ſame Principles and Grounds maintain the Papacy, or univerſal Biſhop, as do our Dioceſan or Metropolitan Biſhops? All thoſe authorities which have been brought us out of the Fathers and Antiquity, will they not as well, if not better, ſupport the Popedome as the Order of our Biſhops? So likewiſe all theſe Arguments for its agreeableneſs to Monarchy, and cure of Schiſme, do they not much more ſtrongly hold for the acknowledgment of the Pope, than for our Biſhops? And yet have Monarchies been ever a whit the more abſolute for the Pope's univerſal Monarchy? or their Kingdoms leſs ſubject to Schiſmes and Seditions? Whatſoever other Kingdoms have been, I am ſure our Hiſtories can tell us, this Kingdom hath not: and therefore we have caſt him off long ſince, as he is forrain, though we have not been without one in our own Bowels. For the difference between a Metropolitan, or Dioceſan, or univerſal Biſhop, is not of kinds, but of degrees: and a Metropolitan or Dioceſan Biſhop is as ill able to perform the duty of a Paſtor to his Dioceſs or Province, as the Univerſal Biſhop is able to do it to the whole World: For the one cannot do but by Deputies, and no more can the other; and therefore ſince we all confeſs the Grounds upon which the Papacy ſtands are rotten, how can we deny but theſe that maintain our Biſhops are ſo too, ſince they are one and the ſame.

In the ſecond place, let us conſider by what hand this root of Epiſcopacy was planted, and how it came into the Church.

It is no difficult matter to find this out; for is not the very ſpirit of this Order a ſpirit of Pride, exalting it ſelf in the Temple of God, over all that is called God? Firſt, exalting it ſelf above its fellow Presbyters, under the form of a Biſhop; then over its fellow Biſhops, under the title of Archbiſhops, and ſo ſtill mounting over thoſe of its own profeſſion, till it come to be Pope, and then it ſticks not to tread upon the necks of Princes, Kings, and Emperors, and tramples them under its Feet. Alſo thus you may trace it from it's firſt riſe, and diſcern by what Spirit this Order came into the Church, and by what door, even by the back-door of Pride and Ambition, not by Chriſt Jeſus. It is not a Plant which Gods right Hand hath planted, but it is full of Rottenneſs and Corruption; that myſtery of Iniquity, which hath wrought thus long and ſo fit to be plucked up, and removed out of the way.

Thirdly, Let us conſider the very nature and quality of this Tree or Root in its ſelf, whether it be good or corrupt in its own nature: We all know where it is ſaid, *A good Tree cannot bring forth corrupt Fruit, nor a corrupt Tree good Fruit. Do men gather Grapes of Thorns, or Figs of Thiſtles?* By its Fruit therefore we ſhall be ſure to know it; and according as the Fruits of the Government have been amongſt us either in Church or Common-wealth, ſo let it ſtand, or fall with us.

June, 1641.

In the Church.

1. AS it ſelf came in by the back-door into the Church, and was brought in by f the Spirit of Antichriſt; ſo it ſelf hath been the back-door and in-let od all Superſtition and Corruption, into the Worſhip and Doctrine of this Church; and the means of haſtening us back again to *Rome*. For proof of this, I appeal t- all our knowledges in late years paſt, the memory whereof is ſo freſh, I need enter into no particulars.

A ſecond Fruit of this Government in the Church, hath been the diſplacing of the moſt Godly and Conſcientious Miniſters; the vexing, puniſhing, and baniſhing out of the Kingdom the moſt Religious of all ſorts and conditions, that would not comply with their Superſtitious Inventions and Ceremonies; in one word, the turning the edge and power of their Government againſt the very Life and Power of Godlineſs, and the Favour and Protection of it unto all Profane, Scandalous, and Superſtitious Perſons that would uphold their Party: Thouſands of examples might be given of this, if it were not moſt Notorious.

A third Fruit hath bin Schiſm and Fractions within our ſelves, and Alienation from all the reformed Churches abroad.

And laſtly, the prodigious Monſter of the late Canons, whereby they had deſigned the whole Nation to a perpetual Slavery and Bondage to themſelves, and their ſuperſtitious Inventions: Theſe are the Fruits of the Government in the Church. Now let us conſider theſe in the Civil State: As,

1. The countenancing all illegal Projects and proceedings, by Teaching in their Pulpits the Lawfulneſs of an Arbitrary Power.

2. The overthrowing all proceſs at Common-Law, that reflected never ſo little upon their Courts.

3. The kindling a War between theſe two Nations, and blowing up the Flame as much as in them lay, by their Counſels, Canons, and Subſidies they granted to that end.

4. The Plots, Practiſes, and Combinations during this Parliament, in all which they ſeem to have been intereſted more or leſs.

Thus have they not contented themſelves with encroachments upon our Spiritual priviledges, but have envied us our civil freedom, deſiring to make us grind in their Mill, as the *Philiſtims* did *Sampſon*, and to put out both our Eyes: O let us be avenged of theſe *Philiſtims* for our two Eyes!

If then the Tree be to be known by its Fruits, I hope you ſee by this time plainly the nature and quality of this Tree.

In the laſt place give me leave for a cloſe of all to preſent to your conſideration the miſchiefs, which the continuance of this Government doth threaten us with, if by the wiſedom of this Committee they be not prevented.

Firſt, the danger our Religion muſt ever be in, ſo long as it is in the hands of ſuch Governors as can ſtand firmly in nothing more then its ruin; and whoſe affinity with the Popes Hierarchy makes them more confident of the Papiſts, then the profeſſors of the reformed Religion, for their ſafety and ſubſiſtence.

Secondly, the unhappy condition our Civil State is in, whilſt the Biſhops have Vote in the Lords Houſe, being there as ſo many obſtructions, in our Body Politick to all good and wholeſom Laws tending to Salvation.

Thirdly the improbability of ſetling any firm or durable Peace ſo long as the cauſe of the War yet continues, and the Bellows that blow up this Flame.

Laſtly, and that which I will aſſure you goes neareſt to my Heart, is the check which we ſeem to give to Divine Providence, if we do not at this time pull down this Government. For hath not this Parliament been called, continued, preſerved, and ſecured by the immediate Finger of God, as it were for this work? had we not elſe been ſwallowed up in many inevitable dangers, by the practiſes and deſigns of theſe men and their Party? Hath not God left them to themſelves, as well in theſe things, as in the evil adminiſtration of their Government, that he might lay them open unto us, and lead us, as it were, by the hand, from the finding them to be the cauſes of our evil, to diſcern that their rooting up muſt be our only cure? Let us not then halt any longer between two opinions, but with one Heart and Reſolution give glory to God, in complying with his providence, and with the good ſafety and peace of this Church and State, which is by paſſing this Bill we are now upon.

I cannot paſs by this Speech of Sir *Henry Vane*'s, without a ſhort Animadverſion upon that threadbare Topique which he builds the whole Fabrique of his Harangue upon, of the Antichriſtianiſm of the very Order of Epiſcopacy; which was the general Common Place of declaiming againſt the Hierarchy: and I do it the rather, becauſe this Calumny hath like a Leproſie infected not only the Vulgar Minds of all the Schiſmaticks in the *Engliſh* Dominions, but alſo many Perſons of better quality, and more abilities and opportunities to free themſelves from being impoſed upon by ſuch fooliſh Impoſtures.

He tells you, *The Root of it was Pride, the Biſhop exalting himſelf above the Presbyter, the Metropolitan above the Biſhop*, and ſo on. And that *the very ſpirit of this Order is a ſpirit of Pride, Exalting it ſelf in the Temple of God, over all that is called God*; which is the very Character the Apoſtle gives of *The* Anti-Chriſt.

Now that this Prelacy or Order of *Epiſcopacy* was not that Antichriſt, is moſt manifeſt from both the Scriptures and the Eccleſiaſtical Hiſtory; for either the beloved Apoſtle Saint *John*, who lived and dyed Biſhop of *Epheſus*, and himſelf ſaw and doubtleſs Ordained many of thoſe Biſhops of *Aſia*, muſt either be himſelf a member of Anti-Chriſt, or the Order is not. Now let the *Anti-Epiſcopal* Men take hold of which Horn of the *Dilemma* they pleaſe, I am ſure the Foundation of their Argument, and all the Babel of Confuſion which is built upon it, muſt fall.

It was an unlucky appeal which in the End of his Speech he ſeems to make to Providence; and the Signal Hand of Heaven in Reſtoring that Government and this Church, together with the Fatal Cataſtrophe of this unfortunate Gentleman and others his Colleagues, who were ſo violently bent upon Ruin of *Root and Branch*, are certainly, if Arguments muſt be drawn from Providence, ſuch irrefragable ones in favour of *Epiſcopacy*, as no Age Ever ſaw ſince *Iſrael* paſſed through the Red Sea to the Land of Promiſe.

For the Reader's better Satiſfaction in this important Matter, the want of a true and good Underſtanding whereof, gave no ſmall Aſſiſtance to thoſe diſmal Calamities which afterwards befell the Miſerable Nations, I will preſent him with a ſhort Abſtract of the Judgment of Archbiſhop *Vſher*, whoſe Teſtimony I rather make Uſe of in this particular, becauſe Even the *Presbyterian* Faction at that time ſeemed to ſet a great Value upon him as a Moderate, Learned and Pious Man.

An Abſtract of Arch-Biſhop Uſhers Opinion of *Epiſcopacy*, being of Apoſtolical Inſtitution, 1641.

The Reverend and Learned Prelate *James* Lord Archbiſhop of *Armagh*, Primate of *Ireland*, did in the Year 1641. when this Debate was moſt Violent, the *Presbyterian Faction* indeavouring to Extirpate *Epiſcopacy* Root and Branch, and to Introduce the *Scottiſh* or rather the Old Heretick *Aërius* his Parity and Identity of *Prieſt* and *Biſhop*, write a ſmall Pamphlet upon this ſubject, ſhewing from the Records of Antiquity, *That the Apoſtles Ordained Biſhops to ſucceed them in all Churches.* Which may for Ever Silence theſe Gainſayers, who have nothing in their Mouths but the *Antichriſtian* and *Lordly Prelacy*; a Reproach which if traced to the Original of this Inſtitution, will at laſt fall upon the Apoſtles themſelves, if not upon Him whom St. *Peter* ſtiles, *The Shepherd and Biſhop of our Souls.* The Book was Printed by *G. M.* for

June,
1641.

Thomas Downes, and to be ſold by *William Lee* at the *Turk*'s Head in *Fleetſtreet*, 1641.

To prove that thoſe whom our Tranſlation calls Elders, *the Greek* Preſbyters, *were ſubordinate to the Biſhop,* he proves, *That the ſame Perſons whom St.* John *in the* Revelation *calls the Angels of the Churches, were thoſe whom the Primitive Fathers and the Church then called Biſhops, and particularly that* Timothy *was Biſhop of* Epheſus; *and that one of thoſe Angels to whom St.* John *writes, was Succeſsor to him, which he proves Firſt by the Succeſsion of Biſhops; Secondly, by the Teſtimony of* Ignatius *and others.*

For the firſt, it was publickly declared by Leontius *Biſhop of* Magneſia, *in the General Councel of* Chalcedon, *Act.* 2 ἀπὸ τοῦ ἁγίου Τιμοθέου μέχει νῦν εἰκοσιέπτα ἐπισκόποι ἐγένοντο, πάντες ἐν Ἐφέσῳ ἐχειροτονήθησαν. *That from* Timothy, *and therefore by undeniable conſequence from the very dayes in which the Apoſtles lived, there had been a Continued Succeſsion of Twenty ſeven Biſhops, all of them Ordained in* Epheſus.

That Beza *himſelf in his Commentaries confeſſeth as much, that* Timothy *had been ſometimes the* προεστὼς, *or* Antiſtes *or Preſident of the* Epheſian *Presbytery, which is the Appellation which* Juſtin Martyr *gives unto him whom the other Fathers term a* Biſhop; *and that* Timothy *was Ordained Biſhop of the Church of the* Epheſians, *is confirmed by the Teſtimony of* Euſebius, *Hiſt. lib.* 3. *c.* 4. *as alſo by Two Ancient Treatiſes concerning the Martyrdom of* Timothy, *one Anonymous in the Library of* Photius, *the other bearing the name of* Polycrates, *who was himſelf Biſhop of* Epheſus, *and born within* 37 *Tears after St.* John *wrote the* Revelations.

That Oneſimus *was Biſhop of* Epheſus, *and conſequently the Angel of that Church to whom St.* John *writ the Epiſtle in the* Revelation, *he proves from* Ignatius. *Now* Ignatius *whom* Theodoret in Dialogo 1. & Fœlix 3. in Epiſtola ad Zenonem Imperatorem, recitata in 5 Synodo Coſtantinopol. Act 1. Tomo 2. Concil. pag. 220. Edit. Binii Anno 1606. *As alſo* Johan. Antiochenus. Chronic. lib. 10. M. S. *report to have been Ordained Biſhop of* Antioch *by St.* Peter, *without all controverſie did ſit in that See the very ſame time when St.* John *writ that Epiſtle to the Angel of the Church of* Epheſus; *for St.* John *writ his* Revelation *towards the End of the Empire of* Domitian, *as* Ireneus *teſtifies, or in the* 14th *Tear of his Reign, as* Euſebius *and* Hierom *ſay, from thence there are but* 12 *Tears to the* 10th *of* Trajan, *wherein* Ignatius *in that laſt Journey which he made for the conſummation of his Glorious Martyrdom at* Rome, *wrote another Epiſtle unto the Church at* Epheſus, *making mention therein of* Oneſimus *as their Biſhop, and puts them in mind of their duty to him, and concurring with him as their worthy Presbytery did.*

He further tells us that Polycarpus *was then Biſhop of* Smyrna, *when St.* John *wrote to the Angel of the Church there, of whom* Irenæus *who did no tonly know thoſe worthy men who ſucceeded* Polycarp *in that See, but alſo was preſent when he himſelf did diſcourſe of his Converſation with St.* John, *and of thoſe things which he heard from thoſe who had ſeen our Bleſſed Lord Jeſus, ſaith* Καὶ Πολύκαρπος δὲ οὐ μόνον ὑπὸ Ἀποστόλων μαθητευθεὶς, καὶ συναναστραφεὶς πολλοῖς τοῖς τὸν Χριστὸν ἑωρακόσιν, ἀλλὰ καὶ Ἀποστόλων κατα-

σταθεὶς

ςαθεὶς εἰς τὴν Ἀσίαν ἐν τῇ ἐν Σμύρνῃ ἐκκλησίᾳ ἐπίσκοπος, ὃν καὶ ἡμεῖς ἑωράκαμεν ἐν τῇ πρώτῃ ἡμῶν ἡλικίᾳ, ἐπὶ πολὺ γὰρ παρέμεινε, καὶ πάνυ γηραλέος ἐνδόξως καὶ ἐπιφανέςατα μαρτυρήσας ἐξῆλθη τοῦ βίου. Polycarpus, *ſaith he, was not only a Diſciple of the Apoſtles, and converſed with many of thoſe who had ſeen Chriſt, but was alſo by the Apoſtles themſelves conſtituted in* Aſia *Biſhop of the Church in* Smyrna, *whom we our ſelves alſo did ſee in our Younger Years, for he continued long, and being very aged, he moſt Glorioully and Nobly ſuffering Martyrdom, departed this life.* Iren. lib.3. cap.3.

He gives us an Account of what Irenæus *and* Tertullian *write concerning the Biſhops ſucceeding the Apoſtles writing againſt the Hereticks of thoſe Early Ages,* Habemus annumerare eos qui ab Apoſtolis Inſtituti ſunt Epiſcopi in Eccleſiis; et Succeſſores Eorum uſq; ad nos; qui nihil tale docuerunt neq; cognoverunt quale ab his deliratur, *Iren.* adverſ. hæreſ. Lib. 3. Cap. 3. *We are able to number thoſe who by the Apoſtles were Ordained Biſhops in the Churches, and their Succeſſors unto our days, &c.*

Tertullian *in his Book* de Præſcrip. adverſ. hæret. Cap. 32. p. 118. Sicut Smyrnæorum Eccleſia Polycarpum ab Johanne conlocatum refert; ſicut Romanorum Clementem à Petro ordinatum edit; perinde utiq; et Cæteræ exhibent quos ab Apoſtolis in Epiſcopatum conſtitutos, Apoſtolici ſeminis traduces habent. *As the Church of* Smyrna *had* Polycarpus *placed there by* John, *and the Church at* Rome Clement *Ordained by* Peter; *ſo the reſt of the Churches did alſo ſhew what Biſhops they had received by the appointment of the Apoſtles to propagate the Apoſtolical Seed.*

Thus far the Reverend Primate.

From whence it is as clear as the Brighteſt day that ever enlightned the World, That Epiſcopacy is a Government Inſtituted in the Church by Apoſtolical Command; and how that ſhould be Unlawſul or Anti-Chriſtian, without charging the Holy Apoſtles, the Pillars and Foundations of the Church, with the horrible Guilt of ſetting up Antichriſt and his Kingdom, I think is impoſſible to be avoided.

And indeed ſo Great, ſo Univerſal, and ſo Powerful is the Truth in this particular, that even the greateſt Propugnators of *Presbyterian* Government and Parity have been forced to confeſs it. *Petrus Molinæus* in his Book *de Munere Paſtorali*, purpoſely written to defend the *Presbyterian* Government, acknowledges, *That preſently after the Apoſtles time, or even in their time, as Eccleſiaſtical Hiſtory witneſſeth, it was Ordained, That in every City one of the Presbytery ſhould be called a Biſhop, who ſhould have preheminence over his Colleagues to avoid Confuſion, which frequently ariſeth from Equality, and that truly this Form of Government all Churches every where received.*

And *Theodore Beza* in *Tractatu de triplici Epiſcopatus genere*, which he ſaith was of three kinds, *Divine*, *Humane*, and *Satanical*, attributing to the ſecond, which he calls *Humane*, but as before is proved plainly, is *Apoſtolical* at leaſt, not only a priority of Order, but a ſuperiority of Power and Authority over other *Presbyters*, yet bounded by Laws and Canons provided againſt Tyranny, yet is forced to acknowledg, That of this kind of Epiſcopacy, is to be underſtood whatſoever we read concerning the authority of Biſhops in *Ignatius*, and other Antient Writers.

June, 1641.

And to any perſon that will deliberately and without prejudice debate the matter with himſelf, it will appear, either, that the very Apoſtles were of the Confederacy to ſet up Antichriſtian Government over the whole World, and where ever they founded Churches and Converted Pagans, to bring them into Spiritual *Sodom* and *Egypt*, and Antichriſtian bondage: Or that the Government is Innocent, Lawful and agreeable to the Will of God, which muſt of Neceſſity be beſt known to thoſe Miraculouſly inſpired Men upon whom the Cloven Tongues of fire deſcended, which were to *lead them into all Truth*; and whether this will not bring in Queſtion the truth of the Promiſe, and of Him who made it, and by Conſequence, ſuch a Chain of Atheiſm and Impieties, as are not fit to be named among Chriſtians, I leave to all men to conſider and Judge.

Beſides, it is perfectly impoſſible to conſidering Men and thinking Minds, to apprehend, that for ſo many Hundred Years, as from the Apoſtles Age till of late, among all the Churches of Chriſtians in the World, and among all the Presbyteries that in all thoſe Ages have yielded ſubjection and been in ſubordination to this Government of Biſhops, there ſhould be none found, whom either Conſcience of Duty, the Natural Love of Liberty, or that Averſion which all Mankind have to Pride and the Uſurpations of others over them, ſhould not once prevail with them to oppoſe this General Defection and Apoſtacy, and Invaſion of the Kingdom of Chriſt and Liberty of Chriſtians.

The Ingenuous will I hope Excuſe this Excurſion, which though it may appear out of my Road, is not out of my Profeſſion, nor I hope of any Diſadvantage to the Reader.

Long-winded Mr. *Thomas* alſo took the Cudgels in this Quarrel againſt Church-Government, and ſhot his Bolt as follows.

Mr. *William Thomas* his Speech againſt Deans and Chapters, *June* 11. 1641.

I Have heretofore delivered the Reaſons that induced me to yield my ſeveral Votes, touching the Corruption and unſoundneſs of the preſent Epiſcopacy and Church Government; ſo for the unlawfulneſs of their intermedling in Secular affairs, and uſing Civil Power; as alſo the harm and noxiouſneſs of their Sitting as Members in the Lords Houſe, and Judges in that moſt Honourable and High Court: Now I crave leave to do the like in ſhewing the Reaſons of my Vote concerning Deans, and their Office; I ſay that my Opinion then was, and now is, that as the Office is unneceſſary, themſelves uſeleſs, ſo the ſubſtance of the one, and continuance of the other, needleſs; nay rather, as I will declare, moſt hurtful, therefore may eaſily be ſpared, nay rather ought to be aboliſhed; my reaſons are theſe, that the Office of Deans doth neither tend or conduce (as ſome have alledged) to the honour of God, the propagation of Piety, the advancement of Learning, or benefit of the Common-weal, but *è contra*, that they occaſion the diſhonour and diſſervice of God, the hinderance, if not deſtruction of Piety, the ſuppreſſion and diſcouragement of Learning and Learned Men, and the detriment and prejudice of Church and Common-weal; this I conceive I ſhall make moſt apparent, if time and your patience will permit: But firſt I humbly crave leave (and I think it will not be impertinent) to declare what Deans were Originally in their firſt Birth; Secondly, what in their encreaſe and further growth; and Laſtly, their preſent condition, being at their full, and, as I think, their final period.

As to their Original, it is not to be denyed but themſelves and Office, are of great Antiquity, Saint *Auguſtine* declaring both; but I do not ſay that it is an ancient Office in the Church, but what Officers Deans then were, be pleaſed to hear from Saint *Auguſtin's* own delivery in his Book *de Moribus Eccleſiæ Catholicæ*, if that Book, as alſo that of *Monachorum* be his, which *Eraſmus* and others have doubted: The Monks (ſaith he) for their more retiredneſs and better contemplation,

June,
1641.

templation, appointed Officers which they called *Decanos*, the Office of them, and why they were ſo called, he delivereth in theſe words as near as I remember, *Opus autem tradunt illis quos Decanos vocant, eo quod ſunt denis præpoſiti, ut neminem illorum cura ſui corporis tangat, neque in cibo, neque in veſtimento, neque ſi quid alind vel quotidiana neceſſitate vel mutata (ut aſſolet) valetudine, hi autem Decani magna ſollicitudine, omnia diſponentes & preſto facientes quicqnid illa vita propter imbecillitatem corporis poſtulet.*

Here we ſee the Office of Deans in Saint *Auguſtin*'s time, antiquity ſufficient, but not antiquity, for being Officers of the Church; therefore they do not rightly plead antiquity, as to the point now controverted, the queſtion being whether the Office as now it is exerciſed, be the ſame that it was then; ſure they ſhall find it not only different, but in a manner quite contrary; they are deceived that urge it, but they are to know that this judicious Houſe is able to diſcern and diſtinguiſh a counterfeit Face of antiquity from the true, and in vain do they (with the Gib.) Labour to deceive us by old Sacks, old Shoes, old Garments, old Boots, and old Bread that is dry and mouldy; therefore to no purpoſe, and cauſeleſs do they charge us to affect Novelty, and to offer to take away Church-Governors and Government. What theſe men, I mean Deans, were Originally, we ſee, how they came to be Presbyters, and of the Miniſters, and for what cauſe, I ſhall hereafter declare; but we may not think this charging of us as Innovators ſtrange, when as Chriſt himſelf had his Doctrine cenſured as new; what Doctrine is this ſaith the *Jews*? *Mark* 1. 17. we are not then to expect that we ſhall eſcape the like cenſure of innovating.

The Servant is not above his Lord, nor the Diſciple above his Maſter; and indeed ſo Saint *Paul* found it, for the *Greecians* made the ſame demand to him: May we (ſay they) know what this new Doctrine is, whereof thou ſpeakeſt? *Acts* 17. But let us *liberare animas noſtras*; *conſcientiæ ſatisfaciamus, nihil in famam laboremus, conſentiamus in eo quod convenit, non in eo quod traditum.*

But to return where I left, granting the Name and Office, we find them to be only Caterers or Stewards, to provide Food and Raiment for the Monks, whoſe Garments, as they were not coſtly, ſo was not their fair dainty, being but Bread and Water, as witneſſeth Saint *Jerome*, *Athanaſius*, *Theodoret*, and others. And *Surius* in the life of *Pachonius*, written 1200 Years ſince, teſtifieth the ſame. To have the like Imployment now, I neither deny nor envy them.

Well now, Let us ſee how they increaſed in authority, and came to be accounted Officers of great Dignity; then thus, when for the Auſterity of their Lives, and Opinion of their ſanctity, Princes and others did beſtow Lands and Revenues upon the Monks, then their *præpoſiti* the Deans did partake of their Honors and Poſſeſſions, and then began the corruption and poyſoning of them; *Tunc venenum infunditum in Decan. religio peperit divitias & filia devoravit matrem.* Anſwerable whereto is that of Saint *Jerome*, *In vitas Patrum*, ſince Holy Church increaſed in Poſſeſſions, it decreaſed in Virtues; the like hath Saint *Bernard*, and many others.

Thus we ſee that the Spring that was clear in the barren Mountains, deſcending down to the richer Vallies, becomes thick and muddy, and at laſt is ſwallowed by the briniſh Ocean; *Salſum perducles imbibit Æquor aquas.* But to deliver it in the words of an Honourable Author: Time, ſaith he, is moſt truly compared to a Stream that conveyeth down freſh and pure Water into the ſalt Sea of Corruption, which invironeth all Humane Actions, and therefore if a Man ſhall not by his Induſtry, Vertue, and Policy, as it were with the Oar, row againſt the Stream and Inclination of Time, all Inſtitutions and Ordinances (be they never ſo pure) will corrupt and degenerate; which we ſhall ſee verified in Deans, and their Officers. For now being endowed with great Poſſeſſions, it was ordained they ſhould be choſen out of the Presbytery to that place, *Ne ſit Decanus niſi Presbyter*, as I find in Saint *Bernard*. Well, did they reſt in this State and Condition? No, they muſt be Civil Magiſtrates, Chancellors, or Keepers of the Seal, Lord Treaſurers, Privy Councellors, or what have they not of Lay-Offices, Dignities and Titles? I will not trouble you with enumeration of particular Deans, I will only cite one, though (if the time permitted) I might incite twenty one, and that is a Dean of *Pauls*, about *Anno* 1197. who was made Lord Treaſurer, who carrying that Office, quickly hoard-

June, 1641.

ed up a great Treaſure; at laſt falling into a deadly Diſeaſe paſt recovery, he was exhorted by the Biſhops and great Men, to receive the Sacrament of Chriſts Body and Blood, which he trembling at, refuſed to do; whereupon the King admoniſhed and commanded him to do it, he promiſed him thereupon to do it the next Day. Being admoniſhed to make his Will, he commanded all to avoid the Room but one Scribe. Who beginning to write his Will in the accuſtomed Forms, In the name of the Father, of the Son, *&c.* The Dean perceiving it, commanded him in a Rage to blot it out, and theſe Words only to be written: I bequeath all my Goods to my Lord the King, my Body to the Grave, and my Soul to the Devils; which being uttered, he gave up the Ghoſt. The King hereupon commanded his Carcaſs to be carried in a Cart, and drowned in the River. Good God, what a Change is this from being humble Servants to poor Monks, to become proud Prelates, Peers to Princes. *Quantum mutati ab illis, nunc Cigni qui modo Corvi*: They now forſake their *Templa paupertatis, & Templa pietatis, tanquam noxia numina*, and only allow and make choice of *Templa honoris, & Templa fortunæ.* They then took care for the poor Monaſtery, but now poorly care for the Miniſtery, and to ſpeak no leſs truly then plainly, they do either juſt nothing, or (what is worſe) nothing that is juſt. But not to trace them further, Let us examine what their preſent Office is, which we find ſo honoured and dignified.

In the Conſtitutions of *Henry* the eighth, and *Edward* the ſixth, thus I read, *Decani quoque cum in Clero amplam dignitatem & locum honoratum in Eccleſia ſortiantur Presbyteri ſunto, viri graves docti & magna prudentia inſignes Cathedrales Eccleſias juxta illarum Conſtitutiones regant, Collegio tam Canonicorum quam Clericorum Eccleſiæ majoris præſint, neque diſciplinam labi ſinant, provideantque ſumma diligentia ut in ſua Eccleſia ſacri ritus ordine ac juſta ratione peragantur, utque omni ordine & convenienti gravitate ad fratrum utilitatem agantur, ut Archidiaconi foras ſic illi domi hoc eſt in Eccleſia Cathedrali & ejus Canonicis & Clericis Epiſcopo ſint adjumento, quaſi duo ejus membra utiliſſima & neceſſaria. Quare nec Decani abeſſe debent à ſua Eccleſia ſine maxima & urgentiſſima cauſa ab Epiſcopo approbanda.* I have delivered the whole Chapter intire, becauſe I would deal clearly.

Afterwards in the ninth Chapter, I read preaching to be part of their Duty, *Concionem habeat Decanus in Eccleſia Cathedrali ſingulis diebus dominicis.*

Thus their Office is declared to be theſe Particulars following.

1. To rule and order the Church, and to look to the repair, and for the decoration thereof, as is alſo elſewhere enjoyned.
2. To preſerve Diſcipline and Holy Rites.
3. To be adjuments or aſſiſtants to the Biſhops in Cathedrals, as be the Archdeacons abroad.

Part of which Aſſiſtance is, as ſeemeth, to preach for them, but the Biſhops will excuſe them that ſervice as too painful, nay forbid it as too dangerous; but though they will not buſie themſelves in preaching, yet have they leiſure to be inventive and operative in poor beggerly toys and trifles, which neither bring Honour to God, nor good to the Church and People; their Preaching and godly Life, did anciently winn the Peoples Hearts to love God, and them as his Miniſters, whom they received as Angels of God, Ambaſſadors from Heaven: Humility, Piety and Induſtry laid the Foundation of all thoſe magnificent Structures, Dignities, Titles, Places, Revenues and Priviledges wherewith the Churchmen were anciently endowed, what hath or is likely to demoliſh them is eaſie to conjecture; King *James* hath delivered it in theſe Words. The natural ſickneſs that hath ever troubled and been the decay of all Churches ſince the beginning of the World, hath been Pride, Ambition, and Avarice, and theſe Infirmities wrought the overthrow of the Popiſh Church, in this Country and divers others; but the reformation of Religion in *Scotland*, was extraordinarily wrought by God, though many things were inordinately done by ſuch as blindly were doing the Work of God. Thus far that wiſe and religious Prince.

But leſt I ſhould forget a principal part of the Office, Church Muſick, it ſhall have here the firſt Place, the rather, for that as I read, the firſt coming in thereof, was to uſher Antichriſt; for I do find in my reading, that *Anno Dom.* 666. the Year that was deſigned or computed for the coming of Antichriſt, *Vitalian* Biſhop of *Rome*, brought into the Church ſinging of Service, and the uſe of Organs,

gans, *&c.* As we read in *Plat. Baleus,* and others, in the life of *Vitalian,* who therefore was called the Muſical Pope, although at that time there was greater occaſion of Sorrow, the *Longobards* having entred and waſted *Italy,* and therefore faſting and praying had been more proper then Muſick, and melodious ſinging. Hereupon (ſaith mine Author) ignorance aroſe among the People, lulled, (as it were) aſleep by the confuſed noiſe of many Voices. This carried colour of advancing Devotion, although it was no better (as the caſe then ſtood) then the Altar erected to the unknown God, *Acts* 17. Hereby the Key of Knowledg was hid, *Luke* 11. When the common People underſtood not what was ſung, and the heat of Zeal was quenched in Men of underſtanding, whoſe Ears were tickled, but Hearts not touched, whileſt (as Saint *Auguſtine* complaineth of himſelf) ſo moſt were more moved by the ſweetneſs of the Song, then by the ſenſe of the Matter, which was ſung unto them, working their bane, like the deadly touch of the Aſpis in a tickling delight, or as the ſoft touch of the Hiena, which doth infatuate and lull aſleep, and then devoureth; if Service in the Latine or unknown Tongue, whereof the ſimpleſt People underſtood ſomewhat, was juſtly cenſured, certainly this manner of ſinging *Pſalms,* and Service, whereof the moſt learned can underſtand nothing, is to be condemned; I diſlike not ſinging, though by Muſick of Organs and other Inſtruments, but I wiſh that what is ſung may be underſtood; and as *Juſtinian* the Emperor commanded all Biſhops and Prieſts, to celebrate Prayer with a loud and clear voice, *non tacito modo,* that the Minds of the Hearers might be ſtirred up with more Devotion to expreſs the Praiſes of God; ſo wiſh I, that Service and Pſalms may be ſo Read and Sung, that they may be underſtood, and ſo edify the Mind, as well as pleaſe the Ear.

Now I am to declare that this Office doth neither tend to the Honour of God, the propagation of Piety, the advancement of Learning, or benefit of the Common-weal, but to the contrary, as I have delivered, rather to the diſhonor, *&c.* But the Day being ſo far ſpent, I will not aſſume too much boldneſs to preſs upon your Patience, for further hearing thereof, but will crave leave for further rendring thereof, at fitter opportunity, and for better conveniency.

In the Lords Houſe the Lord Biſhop of *Winton* reported the Conference delivered from the Houſe of Commons touching the Canons made at the late Synod.

Then the Votes of the Commons being read, the Lords Voted the ſame *verbatim; viz.*

The Lords Votes about the Canons, the ſame with the Commons.

Reſolved upon the Queſtion, That the Clergy of England *convented in any Convocation or Synod or otherwiſe, have no Power to make any Conſtitutions, Canons or Acts whatſoever in matter of Doctrine and Diſcipline, or otherwiſe, to bind the Clergy or the Layety of this Land, without Common conſent of Parliament.*

Reſolved,&c. nullo contradicente, *That the ſeveral Conſtitutions and Canons Eccleſiaſtical treated upon by the Archbiſhop of* Canterbury *and* York, *Preſidents of the Convocations for the reſpective Provinces of* Canterbury *and* York, *and the reſt of the Biſhops and Clergy of thoſe Provinces, and agreed upon with the Kings Majeſties Licence in their ſeveral Synods begun at* London *and* York, 1640, *do not bind the Clergy or Laity of this Land or either of them.*

Reſolved,&c. *That theſe Canons and Conſtitutions Eccleſiaſtical treated upon by the Archbiſhops of* Canterbury *and* York, *Preſidents of the Convocations for the reſpective Provinces of* Canterbury *and* York, *and the reſt of the Biſhops and Clergy of thoſe Provinces, and agreed upon by the Kings Majeſties Licence in their ſeveral Synods begun at* London *and* York *in the Year* 1640, *do contain in them many matters contrary to the King's Prero-*

June, 1641.

Prerogative, to the Fundamental Laws and Liberties of the Realm, to the Right of the Parliaments, to the Property and Liberty of the Subjects, and Matters tending to Sedition, and of a dangerous Conſequence.

Reſolved, &c. *That the ſeveral Grants of the Benevolence or Contribution granted to his Majeſty by the Clergy of the Provinces of* Canterbury *and* York, Anno Domini, 1640, *are contrary to the Law, and ought not to bind the Clergy.*

This Day alſo a Bill againſt Ship-Money was read the firſt time.

Mr. *Tailor* diſcharged from the *Tower.*

Mr. *Tailor* late Burgeſs of *Windſor* was alſo this day diſcharged from the *Tower.*

Saturday, June 12. Order about Disbanding the Army.

The Commons fell upon the Conſideration of Disbanding the Army, and it was *Ordered,* That the Souldiers ſhould be allowed Eight pence for every Fifteen Miles, to be conducted 300 in a Company homewards, and not more; their Arms to be all taken from them and laid up at *York, Hull,* and other Convenient Places; the *Scots* and *Engliſh* to be Disbanded at the ſame time.

Sir *Will. Withrington* and Mr. *Herbert Price* Petition the Houſe.

A Petition was read, wherein Sir *William Withrington* and Sir *Herbert Price* made their humble Submiſſion to the Houſe, and deſired to be releaſed from their Impriſonment in the *Tower,* but nothing was done upon it.

The Earl of *Northumberland* ſent a Meſſage to the Commons, to let them know he *had received a Letter from his Brother Mr.* Henry Percy, *and that if they would ſend ſome of their Houſe, they ſhould have an account of it.* Whereupon Mr. *Hollis* and ſome others were ſent to his Lordſhip. The Letter was in theſe words,

Mr. *Henry Percy's* Letter to the Earl of *Northumberlan* concernin the buſineſs of the Army.

WHat with my own innocency, and the violence I hear is againſt me, I find my ſelf much diſtracted, I will not ask your Counſel, becauſe it may bring prejudice upon you, but I will with all faithfulneſs and truth, tell you what my part hath been, that at leaſt it may be cleared by you, whatſoever becomes of me.

When there was 50000l. *deſigned by the Parliament for the* Engliſh *Army, there was, as I take it a ſudden demand by the* Scots *at the ſame time of* 25000 *Pounds, of which there was* 15000l. *ready; this they preſſed with much neceſſity, as the Parliament, after an order made, did think it fit for them to reduct* 10000l. *out of the* 50000l. *formerly granted; upon which the Souldiers in our Houſe, were much Scandalized, amongſt which I was one, and ſitting by* Wilmot *and* Aſhburnham, Wilmot *ſtood up and told them, if that the* Scots *would procure Money, he doubted not but the Officers of the* Engliſh *Army might eaſily do the like: but the firſt order was reverſed notwithſtanding, and* 10000l. *given to the* Scots, *this was the cauſe of many diſcourſes of diſlike amongſt us and came to this purpoſe, that they were diſobliged by the Parliament and not by the King; this being ſaid often to one another, we did reſolve that* Wilmot, Aſhburnham, Pollard, Oneale, *and my ſelf to make ſome expreſſions of ſerving the King in all things he would command us, that were Honourable for him and us, being likewiſe agreeing to the Fundamental Laws of the Kingdom, that ſo far we would Live and Die with him; this was agreed upon with us, not having any Communication with others, that I am coupled now withal; and further by their joynt conſent, I was to tell his Majeſty thus much from them; but withal I was to order the matter ſo, as the King might apprehend this as a great Service done unto him, at this time when his Affairs were in ſo ill a condition, & they were moſt confident,* That they would engage the whole Army thus far, but farther they would undertake nothing, becauſe they would neither infringe the Liberties of the Subjects, nor deſtroy the Laws; *to which, I and every one conſented, and having their Senſe, I drew the Heads up in a Paper, to the which they all approved, when I read it; and then we did by an Oath promiſe one another to be conſtant and ſecret in all this, and did all of us take that Oath together; then I ſaid, Well Sirs, I muſt now be informed what your particular deſires are, that ſo I may be the better able to ſerve you, which they were pleaſed to do, and ſo I did very faithfully ſerve them therein,*

therein, as far as I could : this is the truth, and all the truth, upon my Soul. In particular diſcourſes, after that, we did fall upon the Petitioning to the King and Parliament for Moneys, there being ſo great Arrears due to us, and ſo much delays made in the procuring of them ; but that was never done.

1. Concerning the Biſhops Functions and Votes.
2. The not Disbanding of the *Iriſh* Army, until the *Scots* were Disbanded too.
3. The endeavouring to ſettle his Majeſties Revenue to that proportion as formerly.

And it was reſolved by us all, if the King ſhould require our aſſiſtance in thoſe things, that as far as we could we might contribute thereunto, without breaking the Laws of the Kingdom. And in caſe the King ſhould be denyed thoſe things, being put to them, we would not fly from him ; all theſe perſons did act and concur in this as well as I : this being all imparted to the King by me from them, I perceived he had been treated with by others, concerning ſome things of our Army, which agreed not with what was purpoſed by me, but inclined a way more ſharp and high, not having limits either of Honour or Law : I told the King he might be pleaſed to conſider with himſelf, which way it was fit for him to hearken unto ; for us, we were reſolved not to depart from our grounds, we ſhould not be diſpleaſed, whoſoever they were, but the particular of the deſigns, or the perſons, we deſired not to know, though it was no hard matter to gueſs at them. In the end I believe the danger of the one, the juſtice of the other, made the King tell me he would leave all thoughts of other propoſitions, but ours, as things not practiceable, but deſired notwithſtanding, that Goring *and* Jermin, *who were acquainted with the other proceedings, ſhould be admitted amongſt us ; I told him I thought the other Gentry would never conſent to it, but I would propoſe it, which I did, and we were all much againſt it, but the King did preſs it ſo much, as at the laſt it was conſented unto, and* Goring *and* Jermin *came to my Chamber ; there I was appointed to tell them after they had ſworn to ſecrecy, what we had propoſed, which I did. But before I go into the debate of the way, I muſt tell you* Jermin *and* Goring *were very earneſt* Suckling *ſhould be admitted, which we did all decline, and were deſired by all our men to be reſolute in it, whith I was, and gave many reaſons : Whereupon Maſter* Goring *made anſwer he was engaged with* Suckling *his being employed in the Army, but for his meeting with us, they were contented to paſs it by. Then we took up again the ways which were propoſed, which took great debate, and theirs differed from ours in violence and height, which we all proteſted againſt, and parted diſagreeing totally, yet remitted it to be ſpoken of by me and* Jermin *to the King, which we both did. And the King conſtant to his former reſolutions told him, theſe ways were all vain and fooliſh, and would think of them no more. I omit one thing of Mr.* Goring, *he deſired to know how the Chief Commanders were to be diſpoſed of, for if he had not a condition worthy of him, he would not go along with us : we made anſwer that no body thought of that, we intended, if we were ſent down, to go all in the ſame capacity we were in : he did not like that by any means, and by that did work ſo with Maſter* Chidley, *that there was a Letter ſent by ſome of the Commanders, to make him Lieutenant General ; and when he had ordered this matter at* London, *and Maſter* Chidley *had his inſtructions, then did he go to* Portſmouth, *pretending to be abſent when this was aworking, we all deſired my Lords of* Eſſex *and* Holland, *that if there were a General at* New-Caſtle, *they were pleaſed to give report that I ſhould be General of the Horſe ; but I proteſt, neither to the King nor any elſe, did I ever ſo much as think of it ; my Lord of* Holland *was made General, and ſo all things were laid aſide. And this is the truth, and all the truth I knew of theſe proceedings, and this I will and do proteſt unto you upon my Faith; and* Wilmot, Aſhburnham, *and* Oneale *have at ſeveral times confeſſed and Sworn, I never ſaid any thing in the buſineſs, they did not every one agree unto and juſtify. This Relation I ſent you rather to inform you of the truth of the matter, that you may the better know how to do me good ; but I ſhould think my ſelf very unhappy to be made a betrayer of any Body. What concerned the Tower or any thing elſe, I never medled withal, nor ever ſpake with* Goring ; *but that night before them all, and ſaid nothing but what was conſented unto by any Party : I never ſpake one word with* Suckling, Carnarvan, Davenant, *or any other Creature. Me thinks if my Friends and Kindred knew the truth and juſtice of the matter, it were no hard matter to ſerve me in ſome meaſure.*

June, 1641.

Munday, *June* 14. Commiſſary *Wilmot*, Col. *Aſhburnham* & Col. *Pollard* impriſoned upon ſuſpirion of H.Treaſon.

† Sir *John Berkley* & Mr. *Dan.Oneal* ſent for as Delinquents upon the ſame account.

*Sir *Will.Widdrington* and Sir *Herbert Price* diſcharged from the *Tower*.

(*a*) Afternoon-Sermons Voted to be in Cathedrals.

(*b*) Report of the Conference about Diſbanding the Armies.

Upon the reading the Tranſcript of this Letter, of Mr. *Percy's* to the Earl of *Northumberland*, in the Houſe of Commons, Commiſſary *Wilmot*, Capt. *Aſhburnham*, and Capt. *Pollard*, being found to be concerned in this matter of the Army, were ſent Priſoners, *Wilmot* to the *Tower*, *Aſhburnham* to the *Kings-Bench*, and *Pollard* to the *Gatehouſe*, for ſuſpition of High-Treaſon.

† Sir *John Berkley* and Mr. *Daniel Oneal* were ordered to be ſent for as Delinquents upon the ſame account.

* Sir *William Widdrington* and Mr. *Herbert Price* were this day Diſcharged from their Impriſonment in the *Tower*, and reſtored to their Siting as Members in Parliament.

(*a*) A Vote paſſed this Day, *That in all Cathedral Churches there ſhould be Sermons in the Afternoons.*

(*b*) The Earl of *Bath* Reports the Conference Yeſterday with the Houſe of Commons delivered by Sir *John Hotham* to this Effect; *That the Houſe of Commons had taken into Conſideration the Vaſt Charge that the Kingdom lyes under by maintaining the Two Armies, that they have uſed their utmoſt Endeavours in providing Mony for Disbanding them; That Neceſſity Enforceth them to Disband the King's Army by Parts, as they ſhall be able to provide Money, and the* Scottiſh *Army wholly and altogether. That in Disbanding the Army, they will firſt disband thoſe that lye in the moſt* Southern *Parts; That they intend to Disband Five Regiments, whereof they intend that the Regiment of* Hull *ſhall be the firſt, then the Earl of* Nidesdale's *Company which is put under the Regiment of Sir* Charles Vavaſor, *and ſo other Regiments ſhall march firſt to give way for the reſt to march, and that they ſhall not march above 300 in a Company.*

The Earl of *Briſtol* Reported Heads which the Lords Committees drew up in the Morning, to be propounded at a Conference touching the Disbanding of the Armies; *viz.*

That a Total Disbanding be propounded, as that which is thought neceſſary in the firſt place to be deſired; if for doing this they are not provided for the preſent, this Houſe will be ready to give them all poſſible Aſſiſtance for perfecting this great Work.

And that if the Commons ſhall make an Eſtimate of what will be wanting to the Total Disbanding, the Houſe of Peers will joyn with them moſt readily; for untill a full Diſarming and Disbanding of the Armies be Reſolved and Declared, it is much to be doubted, that there will be greater difficulty in raiſing Money or getting Credit: and therefore it is deſired to imploy all our Juſt Endeavours for a Total Disbanding of both Armies.

If there be not a poſſibility preſently to Disband all the Five Regiments being to be disbanded, it is held fit that it be propounded to the Scots, *That they at the ſame time retire at leaſt from the River* Tees *homeward, and Ship their Field Ordnance at* Newcaſtle; *and that the* Engliſh *likewiſe retire their Ordnance and Train of Artillery.*

Tueſday, *June* 15. Mr. *Blany* to be brought before the Parliament for Preaching againſt the *Proteſtation*.

Mr. *Allen Blany* Curate of *Newington* in *Surrey*, was this Day ordered to be Summoned to attend the Houſe for Preaching againſt the *Proteſtation*, Affirming, *That the Parliament is able to Confirm a Law, but not to Make a Law to bind him againſt his Conſcience*; and for offering a *Proteſtation* of his own to make good the 39*th* Article, to which he ſubſcribed his hand, and left it with the Church-wardens.

The

June, 1641.

The Debate concerning Deans and Chapiters was alſo Revived, upon which occaſion Mr. *Pury* an Alderman of *Glocester* made this following Speech, the Houſe being in a Grand Committee of the whole Houſe.

Mr. *Hide*,

Mr. *Pury* Alderman of *Glocester*, his Speech againſt Deans and Chapters, *June* 15.1641.

I Riſe not up to anſwer the Argument of the Learned Gentleman of the Long-Robe that ſpake laſt, the which were to prove ſome Incoherence of the Preamble, with the body of the Bill concerning the Aboliſhing of Deans and Chapiters, in reſpect of their Government in the Church of *England*, who have none at all, as hath been argued; but there are ſome Reaſons ſtick with me, whereby I do conceive, that the Deans and Chapiters have been, and are part of the Government of the Church of *England*, and that the Preamble and body of this Bill, therein may very well ſtand together; for if you take the Deans and Chapiters in their Original, who (as it was ſaid by a Learned Serjeant over againſt me) were firſt founded in Superſtition alike to your Regular and Secular Monks; or if you conſider them as an Inſtitution to be *Conſilium Epiſ.* to aſſiſt Biſhops in their Government and Diſcipline; or if you look upon thoſe Deans and Chapiters of the laſt Foundation by *Henry* the Eighth: yet certainly they are in all theſe capacities a part of the Government of the Church of *England*; and as well the Rural, as the Cathedral Deans, are numbered by our own Writers among Church-Governors, and they are in and among themſelves a part of the Church-Government; and by the Book of Reformation of Eccleſiaſtical Laws, they are to govern them according to their Statutes of Foundation, and to keep them pure and entire, ſo far as they are not repugnant to the Word of God, and our Conſtitutions of Religion. And for the better ſatisfaction of this Committee and my ſelf, here is a Copy of the Statutes, Grant, and Foundation of the Dean and Chapter of the City of *Glouceſter*, I have read them over, and do find, Firſt, the end wherefore the Lands and Poſſeſſions were granted unto them, Secondly, the manner and Form of Government of themſelves. And Laſtly, their ſeveral Oaths to keep all the Statutes preſcribed unto them: And becauſe of my weak Memory, pleaſe you to give me leave to read the words in the King's Grant Engliſhed thus;

We have Erected and Conſtituted Cathedrals and Colledges in the place of Monaſteries, to the end, that where Ignorance, and Superſtition did Reign; there the ſincere Worſhip of God ſhould Flouriſh, and the Holy Goſpel of Chriſt Jeſus ſhould be daily and purely Preached. And further, that the encreaſe of the Chriſtian Faith Piety, and the Inſtruction of Youth in good Learning, and the Suſtentation of the Poor, ſhould be for ever there kept, maintained and continued; and the ſaid Dean, Prebends, Canons, and all other Perſons belonging to the ſaid Cathedrals and Colledges, are to be Governed and Ruled according to the Statutes preſcribed unto them.

Sir, The Statutes are many, I will in brief tell you the Subſtance of ſome few of them. The ſaid Deans, Prebends, and Canons, are always to reſide and dwell in the Houſes of the ſaid Cathedrals, and there to keep a Family, good Hoſpitality, to Feed the Poor, and to diſtribute Alms unto the needy, to be careful to Preach the Word of God, *In Seaſon, and out of Seaſon*, and to ſow the Seed of the Word of God abroad, but eſpecially in the ſaid Cathedral Church, and to have Youth profitable taught there. And to the end that they all Serve God, as well at Meals, as in the Church, they are to have a Common Table in the Common Hall of the ſaid Cathedral, where the ſaid Canons, Scholars, Quireſters, and under-Officers are appointed to Eat together, and the ſaid Dean and Chapter, are to give Yearly Twenty Pound to the Poor, beſide their own Poor Almſ-men, and Twenty Pound more Yearly towards the Repairing of Bridges, and Highways thereabouts.

Sir, For the performance of the ſaid Statutes, and Premiſes, The ſaid Deans, Prebends, Canons, and Miniſters of the ſaid Cathedral do, or ought reſpectively to take an Oath; and thereby in expreſs words do call God to witneſs, and do Swear upon the Holy Evangeliſts, to Rule, Govern and behave themſelves well, and fathfully in the ſaid Church, according to the Will and Statutes of the Founder, and every one of them do Swear, that he will to his

June, 1641.

utmoſt Power, well and faithfully, keep all and ſingular the ſaid Ordinances and Statutes, as much as concerns himſelf, and will procure all others as much as concerns them to keep the ſame inviolably, So help him God, and theſe Holy Goſpels of God.

Maſter *Hide*, You ſee wherefore the Lands were granted unto Deans and Chapters, what their Statutes are, and their Oaths to keep them: It might be thought that theſe men do know a way, another, or nearer way to Heaven then they teach us; or otherwiſe that they would not ſit in the Seat of Perjury, as it may ſeem they do, without remorſe of Conſcience: For it is notoriouſly known to the City of *Glouceſter*, and Country thereabouts, That not one of the ſaid Statutes before mentioned, are, or ever were, during my remembrance, kept, or the matters contained in any of them, performed by any of the Deans or Prebends of the ſaid Cathedral; They come indeed once a year to receive the Rents and Profits of the ſaid Lands, but do not diſtribute unto the poor and needy, their Portion, neglecting altogether the mending of the High-ways and Bridges, and do not keep any common Table at all: and inſtead of Preaching the Word of God themſelves, *In Seaſon, and out of Seaſon*, they are, and have been the chief Inſtruments to hinder the ſame in others. Infinite are the Preſſures that many Cities near unto Deans and Chapters, have endured by them, and their procurement. And whereas it was objected by another Learned Gentleman of the Long Robe, That the Deans and Chapters are a Body Corporate, and that they have as much right unto their Lay-Poſſeſſions as any other Body Politick, or any City, or Town Corporate; I am of his opinion, for ſuch Lands and Poſſeſſions (if they have any) which they bought themſelves in right of their Corporation, or for ſuch Lands were given them for their own uſe, and I am well contented that ſuch Lands ſhould be left unto them; but their caſe is far different in my opinion; for I have ſhewed you before, to what Godly, Pious, and Charitable uſes the ſaid Lands and Poſſeſſions were granted unto them: And ſuitable thereunto you may call to mind the *Londoners* Caſe, about *Londonderry* in the Star-Chamber, where they were fined 70000 Pound to his Majeſty, and the ſame afterwards eſtreated into his Majeſties Exchequer. But upon the Writ of Extent iſſuing out thereupon, His Majeſty, as I have heard, received no benefit of any ſuch Lands, whereof the Corporation was Siezed for the maintenance of any Hoſpitals, Bridges, or other Charitable uſes, or ought to have done, as I conceive. Seeing therefore the ſaid Deans and Chapters are but Truſtees, and the profits of the ſaid Lands, ſo ill imployed by them, contrary to that truſt repoſed in them; I am clear of opinion, that by a Legiſlative power in Parliament, it is fit to take them away, and to put them into the hands of Feoffes to be diſpoſed of to ſuch Pious, Religious, and Charitable uſes, as they were firſt intended: But it was ſaid by a worthy Knight, That he ſhould be unwilling to take away their Lands and Poſſeſſions, untill he firſt knew how they ſhould be diſpoſed of, and how the Perſons, who were many thouſands in this Kingdom (as he ſaid) that would want Bread, ſhould he be provided for. Certainly Mr. *Hide* (although that is not the work at this time) yet I account it no difficulty to ſatisfy that worthy Knight; for I find upon the Survey of the Lands of the ſaid Deanery of *Glouceſter*, that it hath above twelve Rectories of good value, and about thirty Vicarages, Penſions, and Portions of Tithes; which being at the firſt, *Deo conſecrata*, moſt fit they ſhould be ſtill employed for the maintenance of the Goſpel; and therefore if thoſe Deans and Prebends being but Seven in all to be now taken away, will be Preaching Miniſters, there is, I hope, ſufficient maintenance for ſo many of them as have not too much, beſides, and yet to reſerve as large a Salary as now they have for ſo many Singing Men there in Holy Orders that cannot Preach. And then there are left to be provided for, but the Organiſt, eight Singing Boys, two School-Maſters, four Poor Almſmen, and ſome under-Officers, whoſe yearly Wages, come unto about one Hundred Pound *per annum*; and the ſaid Dean and Chapter have almoſt the third part of the Houſes of the City of *Glouceſter*, the old Rent of them being yearly about 175. Pound, which will well defray that Charge with a ſufficient Surpluſage for Repairing the High-ways, Bridges; and Twenty Pounds yearly to the Poor, as is aforeſaid.

June,
1641.

But over and beſides, the ſaid yearly Revenues before mentioned, the ſaid Dean and Chapter of *Glouceſter*, although but of the laſt Foundation, and one of the leaſt Revenues in this Kingdom, yet they have Eighteen goodly Mannors, and alſo divers other Lands, Tenements, and Heriditaments, beſides the Mannors, Houſes, and Premiſes, the old Rent of Aſſize, of one of the ſaid Mannors, being 80 Pound *per annum*; out of which Mannors and Lands, the ſaid Cathedral being to be made a Parochial Church, 200 Pound *per annum*, or more may be allowed for a Learned Preaching Miniſter there, and a Hundred Pound a year apiece, for two ſuch others to aſſiſt him, which in few years, one of the ſaid Mannors will diſcharge, and alſo ſufficiently Repair the ſaid Cathedral Church; and then the reſt of the ſaid Mannors and Lands may be employed to other Godly, Pious, or Charitable uſes, as the Wiſdom of the King and Parliament ſhall think fit, and ſuitable to this; but in a more ample proportion of maintenance, will be the allowances of all other Deanaries in *England*.

Again, this I conceive will anſwer another Objection raiſed by a Worthy Knight at the Bar, touching the Poverty of the Clergy of *England*, if this Bill ſhould take effect, ſurely my Opinion is quite contrary; and to that purpoſe, I call to mind the ſaying of a Learned Divine, Chaplain to a Nobleman, upon ſome Conference with him of our wiſhed deſire to remove Scandalous Miniſters, and to reduce the Impropriations of Biſhops, and Deans and Chapters to a Preaching Miniſtry: if theſe things, ſaid he, take effect, the Univerſities will not be able to ſupply the Churches: and ſurely Sir, if theſe things take effect, I am confident we ſhall be ſo far from having a Poor beggerly Clergy, as that no Kingdom in the *Chriſtian* World will have a more Rich, and Flouriſhing Clergy, both for Nurſeries, and Incouragements of Learning, and for their maintenance in more plentiful manner then it is at this preſent. Pleaſe you therefore to put the Queſtion, I am ready to give my aid thereunto.

Whereupon it was Debated and ſtrongly Urged by the Faction, That there ſhould from henceforth be no more Deans and Chapiters, Chancellors, or Commiſſaries, Arch-Deacons, Deans, Prebendaries, Chanters, Canons or Petty Canons, or any other their Officers within this Church or Kingdom; and that all Lands and Revenues belonging to them ſhould be taken away and diſpoſed of to the advancement of Learning and Piety; and that ſuch of them as have no other ſubſiſtence but thoſe Places, and not Delinquents, ſhould have a Competent allowance for the term of their Lives.

Thus did they cover their Covetous Deſigns of Devouring the Church Revenues, with the ſpecious pretences of advancing Learning and Piety: But the Event proved their Hypocriſie, for when they had taken theſe Lands from the Legal Poſſeſſors of them, Piety and Learning found ſo little a ſhare of the Booty, that even their own Hirelings of the Presbytery who had aſſiſted them with their mercenary Lungs to Rob the Church, were ſo far from getting any thing by it, that with much to do they Eſcaped having their own Skins, their Tithes and Glebe, pulled over their Ears; making good the Apologue of the Lion and his Fellow Huntſmen by their Folly and Indiſcretion, not to call it Rapine and Sacriledg.

Wedneſday, June 16.

The Lords Order about thoſe who committed the diſorders at St. *Saviours* and St. *Olaves Southwark*.

The Houſe of Commons was this Day wholly taken up with the further Examination of Col. *Goring* about the matter of the Army.

Upon reading of a Petition of the Inhabitants of St. *Saviours Southwark*, complaining againſt *William Sonyter*, *William Shepheard*, *Toby Gratwick*, *Hugh Barcock*, *George Ewer*, *George Pitcher*, *Thomas Loe* &c. for their preſſing into the Church of the ſaid Pariſh, and violent breaking and pulling down the Railes about the Communion Table, in an Inſolent, and Tumultuous manner, the Parties complained of were

June, 1641.

brought to the Barr, and their Council were admitted to ſpeak for them, and after a full hearing of both Parties, and ſeveral Witneſſes Examined on either ſide, it did appear unto the Houſe, that the ſaid Parties were guilty of the ſaid Complaints laid againſt them in the Petition: Thereupon it is *Ordered, That new Railes ſhall be forthwith ſet up by the appointment of the Churchwardens of the ſaid Pariſh, about the Communion Table, in the ſame manner as they have been for the ſpace of Fifty Years laſt paſt, but not as they were for four or five Years laſt paſt, and this to be done at the Coſts and Charges of the aboveſaid Delinquents. And further, That they ſhall make a Publick Acknowledgment of their faults in the Body of the Church, upon a Sabbath Day when the Congregation ſhall be preſent. And laſtly, That they ſhall ſtand Committed to the* Fleet *during the Pleaſure of this Houſe.*

Alſo upon reading of the Petition of the Miniſter and the Inhabitants of St. *Olaves* Pariſh in *Southwark*, againſt *Robert Wainman*, *George Bonace*, *Hugh Evans*, and *John Moor*, for making and cauſing to be made a great Tumult and Diſorder in the Church of the ſaid Pariſh, in the time of the Adminiſtration of the Bleſſed Sacrament, and for the hinderance of the performing of the ſame, and for the great abuſe of the Miniſter that adminiſtred the ſame, and for uſing irreverent ſpeeches when the ſaid Duty was performing; the Parties aforeſaid were brought to the Barr, and admitted to ſpeak for themſelves; and after a full hearing of both ſides, and Witneſſes Examined, it appeared to the Houſe, that the ſaid Parties complained of were guilty of the Complaints laid againſt them. Whereupon the Houſe did think fit and *Ordered, That the ſaid* Robert Wainman *and* George Bonace *for their ſaid Offences, ſhall ſtand committed unto the Priſon of the* Kings-Bench *forthwith, and there to continue for the ſpace of Six Months without Bail or Mainprize. And that they ſhall ſtand upon a High Stool in* Cheapſide, *and* Southwark, *for two hours together upon two Market-Dayes, and acknowledg their Faults publiquely. And laſtly, That they ſhall pay* 20 *l. Fine to his Majeſty, and to be bound to their good Behaviour. And it is further Ordered, That the ſaid* Hugh Evans *and* John Moor, *ſhall forthwith ſtand Committed to the* Kings-Bench *until they find Sureties to anſwer at the next* Aſſizes *to be kept for the County of* Surrey, *their Faults and Offences in the diſturbing and hindering the Adminiſtration of the bleſſed Sacrament, who are there to be proceeded againſt according to Law. And that* Robert Osbalſton *Gent. and* Richard Cant, *ſhall enter into Recognizance before Sir* John Lenthall *Knight, one of his Majeſties Juſtices of the Peace for the County of* Surrey, *to appear at the next Aſſizes, and proſecute againſt the ſaid* Hugh Evans *and* John Moore, *for their Offences aforeſaid.*

Thurſday, June 17.

The State of the Accounts of the *Engliſh* and *Scottiſh* Armies were brought into the Commons Houſe, by which it will appear at what a Rate the Reformation was to be purchaſed, when the firſt Account Run ſo high.

The State of the Account of the Armies.

	l.
It appeared that there was due to the Kings Army	462050
There hath been paid to the Kings Army	150000
Reſts due to the Kings Army	312050
There is due to the *Scottiſh* Army	216750
Due to the *Scots* for Shipping	4000
Total	

Total due to the *Scots*	220750
There hath been paid to the *Scots*	105000
Reſts due to the *Scots*	115750
Total due to *Engliſh* and *Scots*	427800
Brotherly Aſſiſtance to be paid preſently	80000
To pay this there is in View	
Due from the Cuſtomers upon Compoſition	150000
Due from the Petty-Cuſtomers Compoſition	15000
From the City promiſed to be Lent	40000
Total	205000
To be provided more	302800
Off the Old Subſidies	300000
New Subſidies	400000
Cuſtomers	165000
Total raiſed and to be raiſed	865000

Friday, June 18.

Votes and Rates of the Poll-Bill.

The Debate about the Poll-Bill was this Day agitated in the Houſe of Commons; whereupon it was agreed,

That every Duke ſhall pay 100 pounds. Every Marqueſs 80 pounds. Every Earl 60 pounds. Every Viſcount 50 pounds. Every Lord 40 pounds. Every Biſhop 60 pounds. Every Dean 40 pounds. Every Canon Reſidentiary 20 pounds. Every Prebendary 10 pounds. Every Rector for 100 l. *per annum* 5 pounds. Every Baronet and Knight of the *Bath* 30 pounds. Every Knight 20 pounds. Every Eſquire 10 pounds. Every Gentleman of 100 l. *per annum* 5 pounds. Aldermen of *London* the ſame Rate with Knights. And for other Perſons all above the Age of 16 Years, Except ſuch as receive Alms, to pay 12 pence *per pole.*

Recuſants of all Ranks to pay double. Lord Mayor of *London* 40 pounds. Aldermen Knights 20 pounds. Aldermen Deputies 15 pounds. Common Council men 5 pounds. Maſter and Wardens of the 12 Companies 10 pounds. Every one of the Livery 5 pounds. Maſter and Wardens of the other Companies, and ſuch as have fined for Maſter or Wardens 5 pounds. Every one of the Livery 50 ſhillings. Every Freeman of the 12 Companies 20 ſhillings. Every Freeman of the other Companies, except Porters and Watermen 20 ſhillings.

Every Merchant Stranger being a Knight 40 pounds. Every Merchant Stranger at Sea 10 pounds. At Land 5 pounds. *Engliſh* Merchants in Land not Free 5 pounds. Factors 40 ſhillings. Handicraſts-men Strangers 2 ſhillings *per pole.* If Houſe-Keeper or Papiſt 4 ſhillings. Widows according to the Degrees of their Husbands. Serjeants at Law, 20 pounds. Kings Serjeants 25 pounds. King, Queen, and Princes Council 20 pounds. Dr. of Law and Phyſick 10 pounds. If Papiſts 20 pounds. Arch-Deacons 15 pounds. Chancellors and Commiſſaries, 15 pounds. Every man of 100 pounds, 5 pounds. Every man of 50 *l. per annum,* 50 ſhillings. Every one that can diſpend 20 pounds *per annum,* 5 ſhillings.

Saturday, June 19.

Bill againſt Pluralities and Non-reſidence paſſed the Commons.

The Bill againſt Pluralities and Non-Reſidence was this day read the third time in the Commons Houſe, and being paſſed was carried up to the Lords for their Aſſent. By this Act it was provided, That whoſoever had two Livings, ſhould before the 21 of *September* next following

June, 1641.

ing reſign one of them. And that if any Clergy-man ſhould be abſent at any time 60 days from his Living, he ſhould *ipſo facto* forfeit it.

The Bill againſt Pluralities brought up to the Lords.

A Meſſage was brought from the Houſe of Commons by *John Hampden* Eſq; who brought up a Bill which had paſſed the Houſe of Commons, Entituled, *An Act againſt the enjoyment of Pluralities of Benefices by Spiritual Perſons, and Non-reſidence.* And deſires that their Lordſhips would give ſuch diſpatch to the Three Bills lately ſent up, 1. Concerning the Star-Chamber and the Privy Council. 2. Concerning the High Commiſſion Court. The Third, Concerning diſarming of Recuſants, as may ſtand with their Lordſhips conveniency. Upon which the ſaid Bill was read the firſt time.

Bill againſt Ship-Money read a ſecond time.

The Bill againſt Ship-mony was alſo read a ſecond time.

The Bill of Tonnage and Poundage paſſed the Lords Houſe.

This day was read the third time the Bill Entituled, *An Act of a Subſidy granted to the King of Tonnage and Poundage, and other Sums of Mony payable upon Merchandzie Exported and Imported:* And being put to the Queſtion, it was Reſolved *Nemine Contradicente*, to paſs as a Law; and the L. Great Chamberlain, L. Steward, L. Chamberlain, E. *Holland*, were appointed from this Houſe to move his Maieſty to appoint a time to give his Royal Aſſent.

Monday, June 21. *Goring* **further Examined.**

This day Colonel *Goring* was again Examined by the Houſe upon ſeveral Interrogatories, upon which he depoſed, *That Sir* John Suckling *firſt told him of that deſign about the middle of Lent laſt, and that afterwards meeting with Mr.* Jermyn, *he deſired that he would meet him at* White-hill *on the Queens ſide, for that he was to ſpeak with her Majeſty, and would confer with him concerning the Army; where meeting at the Queens drawing Chamber, her Majeſty told him the King would ſpeak with him; whereupon meeting with the King, his Majeſty told him that he was minded to ſet his Army into a good Poſture, being adviſed thereto by my Lord of* Briſtol, *as he ſaid, and his Majeſty then commanded him to joyn with Mr.* Percy *and ſome others in that buſineſs.*

Now becauſe hereafter when the Faction flew out into open Rebellion, they did endeavour to improve this into a ſcandal againſt the King, as if he were in the deſign to bring up the Army againſt the Parliament, thereby to render him odious to his Subjects, and eſpecially the Nonconformiſts, who made the Houſe of Commons their great Idol, the Reader is deſired to compare this Paſſage of *Goring*'s Depoſition, wherein he tacitly ſeems to bring the King in as the Author of his entring into the Confederacy; whereas in that firſt confeſſion of his, he gives an account that he fell in among them upon the account of the Diſcourſe of endeavouring the redreſs of the Grievances of the Army; and that thereupon finding them full of diſcontents, and as he thought, entring upon Reſolutions of dangerous Conſequence to the Common-wealth, and his Majeſties ſafety, he continued his Correſpondency with them, and took the Oath of Secrecy, purpoſely with an intention to diſcloſe the matters, and diſcover them to the Parliament; in proof of which original intention of his Confederating with them, he tells us, *He had beforehand provided for his own ſecurity by imparting the matter to ſome great Lords, telling them that in a little time he ſhould have occaſion as he thought to acquaint them further with ſome things of great importance.*

Monday, June 21.

The Houſe was this day Reſolved into a Grand Committee of the whole Houſe upon the Debate of the Root and Branch Bill, upon which occaſion Sir *Edward Deering* made this following Speech, as I find it in his Book of Speeches, printed and publiſhed for his own Vindication.

Sir *Edward Deering*'s Speech about Epiſcopal Government, *June* 21. 1641.

Mr. *Hide*,

YOu have here a Bill, but ſuch a one as is likely to be ſhort-liv'd, and not grow into a perfect Act, unleſs you pleaſe to add thereunto ſome very Important, very ſignificant *proviſo*'s, ſuch wherein we may have, or whereby we may be aſſured in another Bill to have a future Government, in room of this that goes out. I am confident the Lords will otherwiſe debate and diſpute your Bill quite out of doors.

Sir, we are all bound unto the goodneſs of his Sacred Majeſty, (God preſerve him and his for it) none of all our Bills, none of our Petitions (this Parliament) have miſcarried in his Royal Hand, but have been all compleated with the Royal Aſſent.

But the Ambition of ſome of our Prelats, will not let them ſee how incompatible two ſeveral contradiſtinguiſhed Functions are in one and the ſame Perſon:

And therefore there is left you neither *Root nor Branch* of that ſo good, ſo neceſſary a Bill, which lately we did ſend up; and conſequently no hope of ſuch a *Reformation*, as we all do aim at.

What ſpark of hope can we then have, that this Bill, which ſtrikes at *Root and Branch*, both of their Seats of Juſtice there, and of their Epiſcopal Chaires in the Church will paſs (as it is, and without tender of ſome other Government in Lieu of this) ſince the Voices are ſtill the ſame, which outed your former Bill?

Truly (I profeſs) my hopes are ſad in this: never had one Parliament ſo many great Affairs, never had any Parliament any Affair ſo great as this, which we call *The Bill of Epiſcopacy*. Certain (*Sir*,) it is the great hope, or the exceeding fear of every man here, and of all men abroad.

Many a time this Parliament I have heard (and not unjuſtly) that the buſineſs then in hand was of as great Conſequence as any had been agitated within theſe Walls.

But in truth (*Sir*,) to my apprehenſion, neither Star-Chamber, nor High-Commiſſion, nor Ship-money, nor *Strafford*'s death, nor *Canterbury*'s Life, are (with me) equivalent, to the ſetling or unſetling of the whole National Church of this Kingdom.

We cannot anſwer to God or man, if we do not uſe our beſt and moſt vigorous endeavours for the peace of the Church we live in.

I ſhould think this a happy day, if we could ſo temper this Bill, that it might walk fairly on through the Houſe of Lords unto the King.

To this end, (and that we may not loſe all, by asking more then all) I will be bold to offer to your conſideration, a proviſional addition or two. Such as (I hope) may both ſatisfy us and ſecure our Bill, by fit amendments.

Here was a little interception, and then a long additional to the Bill preſented in Writing, for putting all Church-Government into the hands of Commiſſioners in every Dioceſs. I proceeded.

Sir, there is now offered unto you, a large addition to your Bill, longer (indeed) by far, then the Bill it ſelf. It ſeems to deſire, that a Proportional number of Clergy and Laity, may be Commiſſionate together, for all Eccleſiaſtick Juriſdiction, until a future Government be reſolved on.

This was ſo at firſt, though afterward it was reſolved that no Clergy-man but only Lay-men ſhould be Comiſſioners.

I muſt confeſs I am not ſatisfied with this way of Commiſſioners, it would joy me much and ſatisfie me more, if as one Government goes out, I could ſee another come in, and that without an *Inter-regnum* of Commiſſioners.

We are reſolved that the preſent way of Government is unſufferable, let it go, but let us have another. This I conceive to be Feaſible, and that in fewer Lines, fewer Words, then this additional Increment now offered to your Bill; which in truth will make me like your Bill worſe then I did before.

To this purpoſe, I do lay this ground: A Church Government we muſt have.

This

June,
1641.

This is (within theſe Walls for ought I hear) on all hands agreed upon : and then by (unavoidable neceſſity) this Government muſt be diſtributed into Parts, into certain Limits, Circuits and Diviſions of places, wherein it is to be exerciſed.

Unto this being granted, I do ſubjoyn three Propoſitions , and they are theſe :

Firſt,Our preſent Dioceſſes are (for the moſt part) much too large, too vaſt; I deſire therefore, That the Circuit for future Church Government, may be reduced to the common Boundaries and Limits of our ſeveral Shires, the diſproportion from thence objected ſhall be eaſily anſwered.

Secondly, Next, in every of theſe diviſions, I deſire that ſome Choice, able, grave Divines, (twelve or more in a Shire) may be by the Parliament appointed, to be in the nature of an old Primitive conſtant *Presbytery* among us.

Thirdly, and Laſtly, Becauſe all meetings of many muſt be diſorderly, and the rule of many cannot be without confuſion, unleſs there be one to guide and direct the reſt. I ſhall deſire that in every Shire, over every *Presbytery*, we may eſtabliſh one *Preſident.*

A *Preſident* (I ſay) more to ſatisfie others then my ſelf. The name of *Biſhop* diſturbs not me; let him be a *Biſhop* or an *Over-ſeer*,or a *Preſident*, or a *Moderator*, or a *Super-intendent*, or a *Ruling-elder* ; call him what you will, ſo as you provide me one in every Shire,over every *Presbytery*, to guide and direct the reſt.

The different Sence (to be eaſily obſerved) and I hope not paſt our ſtrength to be reconciled, in this Houſe, concerning our preſent Church Government, is twofold. One is for *Ruine* thereof, the other for *Reforming* : both are nearer together in Heart (I perſwade my ſelf) then we are yet aware of. The nearer the better, and more eaſie compoſure both of our own ſelves here, and of the Churches peace throughout the Land abroad. God ſend that we may find the way to Peace.

If the right Form of Primitive Epiſcopacy were truly ſtated forth unto us, it would (queſtionleſs) take and lead our judgments along therewith.

This Biſhop was not ſo much a Lord as a Father over his charge, ruling with Love and tender Bowels ; whoſoever did inſtitute this Epiſcopacy, ſure I am, this Biſhop hath, and ever had, a Preſidency before, and a Precedency over others of his own Order.

He was one man choſen out among the reſt, and by the reſt put into a ſeveral *degree*(not into a diſtinct ſuperior *Order*)above the reſt *εἰς τὸ ἐπισκοπεῖν ad Epiſcopandum* to over-ſee the reſt : and this only in matters Spiritual, nothing at all in affairs Temporal, or Secular employments.

If this Biſhop were not of *Apoſtolical inſtitution*, yet it is undeniable that he was of *Apoſtolical permiſſion.* For, of and in the *Apoſtolical* times, all Stories, all Fathers, all Ages have agreed, that ſuch Biſhops there were.

His Rule indeed was with conſent of his Senate, his Presbytery; *Direction* was his, *Coercion* was ſtill their own.

He had προεδρείαν, yea and προστασίαν, both the firſt place of ſitting, and the chiefeſt part of the power : I ſay the *chiefeſt part*,I do not ſay, the *greateſt part* of power. The power, it was more eminent in him, but it was virtually reſiding and domeſticant in the plurality of his Aſſeſſors.

Theſe Aſſeſſors were the Presbyters, the Elders of the Church, of whom Holy *Ignatius* (a Father ſo primitive, that he was Diſciple to Saint *John* the Apoſtle, and by ſome thought to be that very Child (whilſt he was a Child) whom our bleſſed Saviour took and ſet before his Diſciples, whereof you read in three of the Evangeliſts. This *Ignatius* (I ſay) in his Epiſtle to the *Trallians* doth call theſe Elders συμβύλως, ϗ συνεδρεύτα τῦ ἐπισκόπυ, *The Councellors and Co-Aſſeſſors of the Biſhop.*

Matth. 18. 2.
Mark 9. 26.
Luke 9. 27.
If *Simon Zelotes* were the laſt,as ſome affirm.

Here was in this Age (and yet this Father died a Biſhop and a Martyr before the laſt Apoſtle went to Heaven) here was a Fellowſhip, yet ſuch a Fellowſhip as deſtroyed not preſidency : and in another Epiſtle (that to the *Magneſians*) you have ſuch a preſidency as doth admit alſo of a Fellowſhip. Προκαθημένυ τῦ ἐπισκόπυ εἰς τόπον Θεῦ ϗ τῶν πρεσβυτέρων, εἰς τόπον συνεδρίυ τῶν ἀποστόλων. *The Biſhop being Preſident* (the very Name and Office there) *as in the place of God, and the Presbyters as a Senate of the Apoſtles.*

I

I forbear to dilate upon this Epiſcopacy. But I will be bold, *Ponere ob oculos*, to ſet him before your Eyes. I will give him you even by way of demonſtration.

Maſter *Hide*, your ſelf are now in this great Committee, Mr. *Speaker* is in the Houſe, The Biſhop of our Congregation.

You are in your ſelves but Fellow-Members of the ſame Houſe with us, returned hither (as we alſo are) to ſit on theſe Benches with us: until by our Election and by common ſuffrage, you are *Incathedrated*: then you have (and it is fit and neceſſary, that you ſhould have) a *Precedency* before us, and a *Preſidency* over us.

Notwithſtanding this, you are not diverſified into a ſeveral diſtinct order from us (you muſt not ſwell with that conceit) you are ſtill the ſame Member of the ſame Houſe you were, though raiſed to a painful and careful degree among us, and above us.

This Biſhop had (as your ſelf have here) *poteſtatem directivam*, but not *Correctivam*. Correction in our Houſe doth dwell in the General Vote.

You know the power you have is Limited, and circumſcribed by them who gave it; you are no Dictator to preſcribe us our Laws; but muſt gather our Votes: and then your pronouncing doth fix our (not your ſingle) own Orders.

Neither you here, (Maſter *Speaker* in the Houſe) can *Degrade* any one of us from theſe Seats, nor can you *ſilence* us in the due liberty of our Speech.

Truly (*Sir*) as yet adviſed, I do heartily wiſh we had in every Shire of *England*, a Biſhop ſuch and ſo regulated for Church Government within that Sphear, as Maſter *Speaker* is bounded in and Limited, by the Rules and Cancels of this Houſe.

That were (indeed) a well tempered and a bleſſed Reformation, whereby our times might be approximant, and conformant to the Apoſtolical and Pure primitive Church.

But this (I fear) is *magis optandum quàm ſperandum*: yet it being the cauſe of God, who can then diſpair?

This happineſs (I mean living under *Epiſcopal Preſidency*, not under a *domineering Prelacy*) this is too high above our reach, yet ſtrong Prayers, and Hearty endeavours may pull the Bleſſing down upon us: In the mean time, wo is our Churches portion, for our *Biſhop Preſident* is loſt, and grown a Stranger to us, and in his room is crept in, and ſtept up a *Lordly Prelate*, made proud with pomp and eaſe, who neglecting the beſt part of his Office in Gods Vine-yard, inſtead of *ſupporting the weak* and *binding up the broken*, forrageth the Vines, and drives away other Labourers. The Vines indeed have both Grapes and Leaves, and Religious Acts both Subſtance and Circumſtance, but the Gardener is much to blame, who gives more charge to the Work-men of the Leaves then of the Fruit.

This rough enforcement (of late) to that which is not *the better part*, is an Epiſcopacy that turns all our Melody into a Threnody: This makes many Poor, Pious, Chriſtian Souls to *Sing the Songs of Sion in a ſtrange Land*. Pſal.137.and 4.

This Biſhop will have no Aſſeſſors (or if any, ſo formally admitted, and ſo awed, as good have none) no Senate, no Conſultation, no Presbytery or common Suffrage: but Elates himſelf up into uſurped Titles, and incompatible Power, and ſublimes it ſelf by aſſuming a *Soleſhip* both in *Orders* and *Cenſures*.

Religion and Reaſon, and Primitive Example are all loud againſt this Epiſcopacy.

This too elate ſubliming of one can not ſtand without a too mean demiſſion (I may ſay debaſing) of many other of the ſame order. Nay this Biſhop not content with Eccleſiaſtick Pride alone, will ſwell alſo, with ambition and Offices Secular.

Truly, (Sir) you have done exceeding well to *Vote* away this Biſhop, for of this Biſhop (and of this alone) I muſt underſtand the *Vote* you have paſſed, until I be better inſtructed: For your Vote is againſt the preſent Epiſcopacy; and for the preſent, you can hardly find any other Epiſcopacy but this; an Authority how ever by ſome of them better exerciſed, yet too ſolely entruſted to them all.

Away then with this Lordly domineerer who playes the Monarch (perhaps the Tyrant) in a Dioceſs: of him it is of whom I read, *Epiſcopalis dignitas papalem faſtum redolet.* This kind of Epiſcopacy it ſmels rank of the Papacy: nor ſhall you ever be able, utterly and abſolutely to extirpate Popery, unleſs you *root* out this *Soleſhip* of Epiſcopacy.

To conclude in ſhort and plain *Engliſh*, I am for aboliſhing of our preſent Epiſcopacy. Both Dioceſſes and Dioceſan as now they are. But I am withal (at the ſame time) for Reſtauration of the pure Primitive Epiſcopal Preſidency. Cut off the uſurped adjuncts of our preſent Epiſcopacy, reduce the ancient Epiſcopacy, ſuch as it was, *in puris ſpiritualibus.* Both may be done with the ſame hand, and I think in a ſhorter Bill then is offered now by way of addition.

Down then with our *Prelatical Hierarchy*, or *Hierarchical Prelacy* (ſuch as now we have) moſt of it conſiſting in Temporal adjuncts only; the *Diana* and the Idol of Proud and Lazy Church-men. This do, but *eâ lege*, on this condition, that with the ſame hand, in the ſame Bill, we do gently raiſe again (even from under the ruins of that *Babel*) ſuch an Epiſcopacy, ſuch a Preſidency, as is venerable in its Antiquity and Purity, and moſt behooveful for the Peace of our *Chriſtendom.*

This is the way of *Reforming*: and thus by yielding to the preſent Storm, and throwing that over-board which is adventitious, borrowed, and undue; Peace may be brought home unto our Church again, the beſt of that building and the truth of Ancient Epiſcopacy may be preſerved: otherwiſe we hazard all.

This would be glorious for us, and for our Religion: and the glory thereof will be the greater, becauſe it redounds unto the God of glory.

My Motion is, that thoſe Sheets laſt preſented to you, may be laid by, and that we may proceed to reduce again the old Original Epiſcopacy.

If this Gentleman had thoroughly conſulted the Church Hiſtory, he would have found, both that Epiſcopacy was ever accounted a Diſtinct Order from and above Presbytery, and that the moſt Primitive Biſhops exerciſed the ſame Juriſdiction and Power in the Church, even over Presbyters themſelves, as the preſent *Engliſh* Biſhops did; and for their Temporal Baronies and Lordſhips, it was never eſteemed any ways Eſſential to the Office, but only a Concomitant Adjunct, which, by the Fundamental Conſtitution of the Government, by the Kings annexing Temporal Baronies to their Spiritual Office, rendred them one of the three Eſtates of the Realm; And indeed it was this Temporal Honor, and their Secular Eſtates, Lands and Tenements, which raiſed the envy of ſome; and the Covetouſneſs of others againſt not only the Perſons but the Order it ſelf.

Sir *Benjamin Rudyard* alſo ſpake as follows.

Sir *Benjamin Rudyard's* Speech concerning Biſhops, Deans and Chapters, at a Committee of the whole Houſe. *June* 21. 1641.

Mr. *Hide*,

"WE are now upon a very great Buſineſs, ſo great indeed, as it "requires our ſoundeſt, our ſaddeſt conſideration; our beſt "judgment for the preſent, our utmoſt foreſight for the future.

"But, Sir, one thing doth exceedingly trouble me, it turns me round "about, it makes my whole Reaſon vertiginous, which is, that ſo many "do believe, againſt the wiſdom of all Ages, that now there can be no "Reformation without deſtruction, as if every ſick Body muſt be pre"ſently knockt in the Head, as paſt hope of Cure.

"Religion was firſt, and beſt planted in Cities; God did ſpread his "Net where moſt might be caught, Cities had Biſhops, and Presbyters "were the Seminaries, out of which were ſent Labourers by the Biſhops, "to propagate and cultivate the Goſpel. The Clergy then lived whol"ly upon the Freewill-Offering, and Bounty of the People.

"After-

June,
1641.

“Afterwards, when Kings, and States grew to be Chriſtians, the outward ſettlement of the Church grew up with them. They Erected Biſhopricks, Founded Cathedral Churches, Endowed them with large Poſſeſſions: Landlords built Pariſh Churches, gleab'd them with ſome portion of Land, for which they have ſtill a Right of Preſentation.

“I do confeſs, That ſome of our Biſhops have had Ambitious, Dangerous Aims, and have ſo ſtill, that in their Government there are very great Enormities: But I am not of their Opinion, who believe that there is an Innate ill Quality in Epiſcopacy, like a Specifical Property, which is a Refuge, not a Reaſon I hope; there is not Original Sin in Epiſcopacy; and though there were, yet may the Calling be as well Reformed, as the Perſon Regenerated. Biſhops have governed the Church for 1500 years without interruption: And no man will ſay, but that God hath ſaved Souls in all thoſe times under their Government. Let them be reduc'd according to the uſage of Ancient Churches in the beſt times; ſo reſtrained as they may not be able hereafter to ſhame the Calling. I love not thoſe that hate to be Reformed, and do therefore think them worthy of the more ſtrict, the more cloſe Reformation.

“We have often complained, That Biſhops are too abſolute, too ſingular. Although Cathedral Churches are now for the moſt part but Receptacles of Drones, and Non-Reſidents, yet ſome good Men may be found, or placed there to be Aſſeſſors with the Biſhops, to aſſiſt them in Actions of moment, in Cauſes of Importance; there is maintenance already provided for them. If either in Biſhopricks, or Cathedral Churches there be too much, ſome may be pared off, to relieve them that have too little. If yet more may be ſpared, it may be employed to the ſetting up of a Preaching Miniſtry through the whole Kingdom. And untill this be done, although we are Chriſtians, yet are we not a Chriſtian State.

“There are ſome places in *England* that are not in Chriſtendom, the people are ſo ignorant, they live ſo without God in the World, for which Parliaments are to anſwer, both to God and Man: Let us look to it, for it lies like one of the Burdens of the Prophet *Iſaiah*, heavy, and flat upon Parliaments.

“I have often ſeriouſly conſidered with my ſelf, what ſtrong concurrent Motives and Cauſes did meet together in that time, when Abbies and Monaſteries were overthrown. Certainly God's hand was the greateſt, for he was moſt offended. The profane Superſtitions, the abominable Idolatries, the filthy nefandous wickedneſs of their Lives did ſtink in God's Noſtrils, did call down for Vengeance, for Reformation. A good Party of Religious Men were Zealous Inſtruments in that great work, as likewiſe many Covetous, Ambitious Perſons, gaping for fat Morſels, did luſtily drive it on.

“But, Mr. *Hide*, there was a principal Parliamentary motive, which did facilitate the reſt; for it was propounded in Parliament, that the Acceſſion of Abby-Lands would ſo inrich the Crown, as the people ſhould never be put to pay Subſidies again. This was plauſible both to Court and Countrey. Beſides, with the Over-plus, there ſhould be maintained a ſtanding Army of Forty Thouſand Men, for a perpetual defence of the Kingdom. This was Safety at home, Terrour and Honour abroad: The Parliament would make all ſure.

June,
1641.

“Gods part, Religion, by his bleſſing, hath been reaſonably well preſerved, but it hath been ſaved as by fire; for the reſt is conſumed and vaniſhed: the people have payed Subſidies ever ſince, and we are now in no very good Caſe to pay an Army.

“Let us beware, Mr. *Hide*, that we do not look with a worldly, carnal, evil Eye upon Church Lands, let us clear our Sight, ſearch our Hearts, that we may have unmixt and ſincere Ends, without the leaſt thought of ſaving of our own Purſes. Church Lands will ſtill be fitteſt to maintain Church Men, by a proportionable, and orderly diſtribution.

“We are very ſtrict and curious to uphold our own Propriety, and there is great reaſon for it: Are the Clergy only a ſort of Men, who have no Propriety at all in that which is called theirs? I am ſure they are *Engliſhmen*, they are Subjects.

“If we pull down Biſhopricks, and pull down Cathedral Churches, in a ſhort time we muſt be forced to pull Colledges too; for Scholars will live and dye there as in Cells, if there be not conſiderable Preferment to invite them abroad. And the example we are making now, will be an eaſie Temptation to the leſs preſſing neceſſities of future times.

“This is the next way to bring in Barbariſm, to make the Clergy an unlearned, contemptible Vocation, not to be deſired but by the baſeſt of the People; and then where ſhall we find men able to convince an Adverſary?

“A Clergy-men ought to have a far greater proportion to live upon, than any other Man of an equal Condition. He is not bred to multiply Three-pences, it becomes him not to live Mechanically, and ſordidly; he muſt be given to Hoſpitality. I do know, my ſelf, a Clergyman, no Dignitary, whoſe Books have coſt him a Thouſand Pounds, which when he dies, may be worth to his Wife and Children, about Two Hundred.

“It will be a ſhameful reproach to ſo flouriſhing a Kingdom as this, to have a poor beggarly Clergy. For my part, I think nothing too much, nothing too good for a good Miniſter, a good Clergy-man. They ought leaſt to want, who beſt know how to abound. Burning and ſhining Lights do well deſerve to be ſet in good Candleſticks.

“Mr. *Hide*, I am as much for Reformation, for purging and maintaining Religion as any man whatſoever; but I profeſs I am not for Innovation, Demolition, nor Abolition.

Poſſibly the Reader will now be deſirous to ſee this Bill, which gave ſo much buſineſs to the Parliament, and therefore I here preſent him with a Copy of it, as I find it in the Paper-Office.

An Act for the Aboliſhing and taking away of all Arch-Biſhops, Biſhops, their Chancellours and Commiſſaries, Deans, Deacons and Chanters, Arch-Deacons, Prebendaries and Canons, and all other their Under-Officers of the Church of *England*.

The Bill againſt Epiſcopal Government, and the Hierarchy of the Church.

Whereas the Government of the Church of England by Arch-Biſhops and Biſhops, their Chancellors and Commiſſaries, Deans, Arch-Deacons and others their Cathedral Officers, have been found by long experience to be a great Impediment to the per-

fect

June, 1641.

fect Reformation and Growth of Religion, prejudicial to the Civil Government of this Kingdom: Be it therefore Enacted by the King's moſt excellent Majeſty, the Lords and Commons Aſſembled in this preſent Parliament, by the Authority of the ſame, That from henceforth there ſhall be no Arch-Biſhops, Chancellors, or Commiſſaries of any Biſhopricks, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Chanters, Canons, or Pety-Canons, or any other of their Officers within this Church or Kingdom. And every Parſon that ſhall hereafter uſe, or exerciſe any Power, Juriſdiction, Office or Authority, Eccleſiaſtical or Civil, by Collection of any ſuch Name, Title, Dignity or Office, or Juriſdiction, to incur the Penalty, and a Forfeiture contained in the Act of Premunires made in the 16 R. 2. That all which hereafter done by any Arch-Biſhopricks, their Chancellors, Commiſſaries, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Canons, Petty-Canons, or any other Office by Collection of any of their Dignities or Officers aforeſaid, ſhall be meerly void in Law, any Statute or Ordinance heretofore made to the contrary any wiſe notwithſtanding. And that all Mannors, Lands, Territories, Impropriations, Houſes, Rents, Services, and other Hereditaments whatſoever of the ſaid Arch-Biſhopricks, Deans, Deans and Chapters, Arch-Deacons, Prebendaries, Canons, Petty-Canons, which they or any of them have in Right of the ſaid Churches or Dignities ſhall be diſpoſed and ordered of, in ſuch manner, ſort and form as the King's moſt excellent Majeſty, the Lords Temporal, and Commons in this preſent Parliament Aſſembled ſhall appoint.

And be it further Enacted by the Authority aforeſaid, That all Eccleſiaſtical Juriſdiction, fit to be exerciſed within this Church and Kingdom of England, ſhall be committed to ſuch a number of Perſons, and in ſuch manner as by this preſent Parliament appointed.

Divers Papers were upon this occaſion preſented to the Conſideration of the Houſe of Commons, and many even of the *Presbyterians* who were for altering ſome things, yet were not for Extirpation of *Root and Branch*; among the reſt, I find theſe two in the Paper-Office.

A Propoſition concerning Biſhops and Eccleſiaſtical Affairs, and Church Government.

THe Agitation of change of Government in the Church, in the Houſe of Commons, is a Buſineſs of ſo high a Conſequence, that it is neceſſary to prevent any Reſolution by Voting their judgment alone, leſt that being brought up with prejudice to the Lords, who are and ought to be equally intereſſed, may alſo prejudice the Cauſe.

It is a doubtful Caſe in the heat of this diſpute how farr the Commons may go in the Declaration of their Opinions, in which if the Lords ſhall not concur, it may prove a great Rock of offence between the two Houſes.

Therefore 'tis very requiſite, that the Lords of the Higher Houſe do timely intereſt themſelves in the diſcuſſion, and before any Reſolution in either Houſe.

To this purpoſe the Lords may be pleaſed to make a Committee in their Houſe for the Reformation of Church Affairs, and Government, and thereupon demand a Conference with the Committee of the Houſe of Commons, that the buſineſs may be handled by Conſultation on both ſides *pari paſſu,* and *gradu.* At this Conference the Lords may be pleaſed to propoſe theſe grounds.

1. That neither by Example, nor Reaſon in any Age or State, Matters Eccleſiaſtical, or Mutations in Church Affairs were ever alone determined by Laymen.

2. In the Primitive Church, and moſt Ancient times, matters of this nature, were always debated in General Councils or National Synods; in the bleſſed Reformation, the buſineſs was agitated by a Choice number of Divines, who communicated their proceeding with Reformed Divines abroad, and admitted ſome Strangers into their Conſultations, for the ſatisfaction of their Brethren and Peace of the Church.

3. The publick Enemy of our Religion will take infinite advantage at every Alteration, and eſpecially at any that ſhall be reſolved above by Lay-men.

4. It muſt of neceſſity produce a dangerous Schiſm in the Church, if, without all Reſpect of Edification and ſatisfaction to the Parties different in judgment any concluſion ſhould be impoſed upon both without their conſent.

5. It is impoſſible, that any Reſolution taken in Heat and Paſſion can be ſo permanent, but that time will diſcover a Neceſſity of freſh alterations, to the ſhame of the whole Reformation.

6. It is neceſſary to proceed in ſuch a way as may not be Scandalous to the Churches abroad, and may give ſatisfaction to both Parties oppoſite, and contending at Home, and may be Honourable, Durable, Obliging, and Fortified with the conſent, and agreement of the Eccleſiaſtick, and the Authority of the Parliament.

To effect which it is moſt agreeable to true Wiſdom and Policy, that both Houſes of Parliament determine and declare for the preſent, that the Laws Eſtabliſhed for Church Government ſhall be obeyed: And becauſe all things in the firſt Reformation could not be fore-ſeen, or ſome things were neceſſarily for other reſpects overſeen, which Time, and great Liberty, and Light have diſcovered, and which may now be more fitly taken into conſideration, That therefore both Houſes may be pleaſed to move His Majeſty for the calling of a National Synod, I mean of a Select number of Divines of all three Nations ſubject to His Majeſty, equally, and impartially choſen of Moderate, and Learned Men of both ſides, in which may be diſcuſſed, and reſolved a ſetled and uniform Model of Government, to be preſented unto the Parliament of all the Kingdoms, there to receive Strength and Approbation.

In which Aſſembly Godly Men, and lovers of Peace, aſſiſted by the Spirit of God, may doubtleſly be induced to receive ſatisfaction from one another in a Conſcientious way, and to yield to one another by the Rules of Charity for the publick Peace of the Church.

This ſolid courſe as it will allay the Heat and Precipitation of paſſionate Councils, ſo it will have Authority in it ſelf, Honor in relation to other Forreign Churches, and ſtability in theſe reſolutions.

I will be bold to add another Motion, that if we may be ſo happy to ſettle theſe troubles and ſcruples of tender Conſcience, by imbracing this only Counſel, I could wiſh, that an Intimation were made to all the Reformed Churches, that if they pleaſe to ſend their Deputies, and to aſſiſt in this Pious work, they ſhall as Aſſiſtants, be admitted. And I hope, there may ariſe from hence an occaſion of re-uniting all the Proteſtant Churches at leaſt in Fundemantals; Leaving to every one a Chriſtian Liberty in thoſe Forms of Diſcipline, which may be moſt agreeable to their Civil Government; which would not only ſtrengthen the General Cauſe of Religion, but take away that ſtrong objection (of the publick Enemy) of ſuch a Diviſion amongſt our ſelves as make us appear outwardly to be twenty Churches, or none at all; for from this Branch of diviſion and ſeparation hath flown all the advantages both in the Eſtate and Church of the Papacy, againſt the Reformation, and the Princes profeſſing one truth, not fenced about with one Policy.

A Divine in the City gave his following Opinion upon theſe Particulars.

The Opinion of a City Divine concerning the Liturgy & Church Government.

To ſatisfie your Demands both Concerning the Liturgy and Epiſcopal Government; Firſt for the Book of Common Prayer, it may be alledged,

1. *That God himſelf appointed in the Law, a ſet Form of Benediction,* Numb. 6.23 24 25,26.

2. *That* David *himſelf ſet Pſalms to be ſung upon Special Occaſions, as the Title of them ſheweth.*

3. *That the Prophet* Joel *appointed a ſet Form of Prayer to be uſed by the Prieſt at Solemn Faſts,* Joel 2.7.

4. *That Chriſt not only Commands us to pray after ſuch manner,* Matth. 6.9. *But to uſe a ſet Form of words,* Luke 11.2. *When you pray, ſay,* Our Father.

5. *The Spirit of God is no more reſtrained by uſing a ſet Form of Prayer, then by ſinging ſet Hymns or Pſalms in Meeter, which yet the Adverſaries of our* Common-Prayer, *practiſe in their Aſſemblies.*

6. *Of all Prayers [premeditated] are the beſt,* Eccleſiaſtes 5.2.

7. *And of premeditated Prayers, thoſe which are allowed by public Authority, are to be preferred above thoſe which are uttered by any private ſpirit.*

8. *All the Churches in the Chriſtian World in the firſt, and beſt Times, had their beſt Forms of Lyturgies, whereof moſt are Extant in the Writings of the Fathers unto this day.*

9. *Let our Service-Books be Compared with the* French, Dutch, *or any other Lyturgie, preſcribed in any of the Reformed Churches, and it will appear to any indifferent Reader, that it is more Exact, and Compleat, than any of them.*

10. *Our Service-Book was Penned, and allowed of, not onely by many Learn'd Doctors, but Glorious Martyrs, who ſealed the Truth of the Reformed Religion with their Blood; Yet it cannot be denyed, but that there are Spots, and Blemiſhes,* nævi quidem in pulchro Corpore. *And it were to be wiſhed, ſo it be done without much Noyſe,*

1. *That the Kalendar in part might be reformed, and the Leſſons taken out of the Canonical Scriptures, appointed to be read in the place of them; for beſides, that there is no neceſſity of reading any of the Apocrypha, for there are in ſome of the Chapters, ſet in the Index paſſages repugnant to the Doctrine of the Holy Scriptures, as namely in ſome Chapters in* Tobit.

2. *That in the Pſalms, Epiſtles, and Goſpels, all Sentences alledged out of the Holy Scriptures, the laſt Tranſlation (of King* James *his Bible) may be followed; for in the former there be many Paſſages not agreeable to the Original, as might be proved by many Inſtances.*

3. *That in the Rubrick, whereof of late the word* [Prieſt] *hath been inſtead of the word* [Miniſter] *it may be Expunged, and the word* Miniſter *reſtor'd, which is leſs Offenſive, and more agreeable to the Languages of all the Reformed Churches; and likewiſe that ſome Abuſes, which ſeem ſurreptitiouſly to have crept into it, be expunged; as namely, after the Communion, every Pariſhioner ſhall Communicate, and alſo ſhall receive the Sacraments, and other Rites according to the Order of this Book appointed; which words can carry no good Sence in a Proteſtant's Ears, nor thoſe added againſt Private Baptiſme, That it is certain by Gods Word, That Children being Baptized, having all things neceſſary for their Salvation, be undoubtedly Saved.*

4 *That in the Hymns, inſtead of the Songs of the Three Children, ſome others placed out of the Canonical Scriptures, and that a fitter Pſalm were choſen at the Churching of Women; (for thoſe Verſes)* He will not ſuffer thy foot to be moved, *and,* the Sun ſhall not burn thee by day, nor the Moon

June, 1641.

Moon by night, *ſeem not very pertinent. That in the Prayers and Collects, ſome Expreſſions were bettered, as when it is ſaid,* Almighty God, which only workeſt great Marvels, ſend down upon the Biſhops,&c. *And,* Let thy great Mercy looſe them, for the honour of Jeſus Chriſt's ſake. *And* from Fornication and all other deadly Sin, *as if all other Sins were not deadly,* and that among all the chances of this mortal Life,they may be defended,&c.

5. *And in the Viſitation of the Sick,* I abſolve thee from all thy ſins, *and the like.*

6. *That in ſinging of Pſalms, Either the lame Rhymes, and ſuperfluous Botches (as I ſay) and for why, and homely Phraſes, As,* Thou ſhalt feed them with brown Bread; *And,* Take thy Hand out of thy Lap,and give thy Foes a Rap; *and,* Mend this Geare, *and the like,may be Corrected, or at the leaſt, a better Tranſlation of the Pſalmes in Meeter, appointed in the place of the old.*

Secondly, for Epiſcopal Government, it may be alledged,

1. *That in the Old Law, the Prieſts were above the Levites.*

2. *That in the Goſpel, the Apoſtles were above the Seventy Diſciples.*

3. *That in the ſubſcription of St.* Paul's *Epiſtles, which are part of Canonical Scripture, as it is ſaid, That* Timothy *was Ordained the firſt Biſhop of the Church of the* Epheſians; *That* Titus *was Ordeined the ſecond Biſhop of the Church of the* Epheſians.

That Titus *was Ordained the firſt Biſhop of the Church of the* Cretians.

4. *That if Epiſcopal Ordination and Juriſdiction, hath expreſs Warrant in Holy Scripture, as namely* Titus 1. 5. For this Cauſe left I thee in *Crete,* that thou ſhould'ſt ſet in order things that are wanting, and Ordain Presbyters, *that is Miniſters,* in every City. *And* 1 Tim.5.22. Lay hands ſuddenly on no man. *And Verſ.* 19. Againſt a Presbyter or Miniſter, Receive no Accuſation, but under two or three Witneſſes.

5. *The Angels to whom the Epiſtles were indorſed,* 2, & 3. *of* Apoc. *are by the Unanimous Conſent of all the beſt Interpreters, both Antient, and Later, expounded to be the Biſhops of thoſe Cities.*

6. Euſebius, *and other Eccleſiaſtical Writers, affirm, (none contradicting them) that the Apoſtles themſelves choſe* James *Biſhop of* Jeruſalem, *and that in all the Apoſtolique Sees, there ſucceeded Biſhops, which continued in all the Chriſtian World, and no other Government heard of, in the Church for* 1500 *Years, and more, then by the Biſhops, and the Canons of Councils, both General and Provincial, which conſiſted of Biſhops.*

7. *That ſo many Acts of Parliament and Laws of the Kingdom,and Statutes of Colledges of both Univerſities, have relation to Biſhops, that the removing of them eſpecially (there having been never no other Government ſettled in this Kingdom) will breed, and make Confuſion, and no Reformation, but rather a Deformation in the Church; yet it were to be wiſhed, That in ſome things our Government might be reduced to the Conſtitutions, and Practice of the Primitive Church, eſpecially in theſe Particulars.*

1. *That Biſhops did ordinarily, and conſtantly Preach, either in the Metropolitan Church, or in the Parochial Church, in their Viſitations.*

2. *That they might not Ordain any Miniſters, without the Conſent of* 3. *or* 4. *at the leaſt, Grave and Learned Presbyters.*

3. *That they might not ſuſpend any Miniſter,* ab Officio et Beneficio, *at their Pleaſures, by their ſole Authority, but only with a neceſſary Conſent of ſome Aſſiſtants, and that for ſuch Cauſes, and Crimes only, as the ancient Canons or the Laws of the Kingdom appointed.*

4. *That none may be Excommunicated but by the Biſhop himſelf, (with the Conſent of the Paſtor) whoſe Pariſh the Delinquent dwelleth in, and that for heynous, and ſcandalous Crimes, joyned with obſtinate, and wilful Contempts of the Churches Authority, and that for non-Appearances, or Ordinances, upon ordinary occaſions, ſome Leſſer puniſhments might be inflicted, and that approved by Law.*

5. *That Biſhops might not demand Benevolence for the Clergy, nor exact Allowance for their Dyet at the Viſitations, nor ſuffer their Servants to exact undue Fees at Ordinations, and Inſtitutions.*

6. *That Biſhops and Chancellors and Officials, may be ſubject to the Cenſures of Provincial Synods, and Convocations.*

Tueſday, June 22. Disbanding Bill read twice.

A Bill was Read the firſt and ſecond time for the ſpeedy raiſing Mony for Disbanding the Armies, and Committed to a Committee of the whole Houſe.

A moſt Excellent Petition from the Univerſity of *Oxon*, for the retaining and Eſtabliſhing of Epiſcopacy; but alas they did but *ſurdis Canere*, theſe Serpents were not to be charmed by their Sovereign, much leſs by the Muſes, though they could have charmed ten thouſand times more powerfully and wiſely than they did. However, it will be for their Immortal Glory, That in the worſt of Times, and even when the Storm was in its moſt bluſtring Rage, they durſt oppoſe the Tempeſt and Defend the Truth. The Petition was as follows.

To the High and Honourable Court of Parliament,

The Humble Petition of the Univerſity of *Oxford*.

Sheweth,

The Petition of the Univerſity of *Oxon* for Epiſcopacy, *June* 22. 1641.

“THAT whereas the *Univerſity* hath been informed of ſeveral Petitions concerning the preſent Government of this Church, and maintenance of the Clergy, which have of late been exhibited to this Honourable Aſſembly; We could not but think our Selves bound in Duty to God, and this whole Nation, in charity to our Selves and Succeſſors, who have and are like to have more than ordinary intereſt in any Reſolution that ſhall be taken concerning Church-Affairs, in all humility, to deſire the continuance of that Form of Government, which is now Eſtabliſhed here, and hath been preſerved in ſome of the *Eaſtern* and *Weſtern* Churches, in a continued Succeſſion of *Biſhops*, down from the very Apoſtles to this preſent time; the like whereof cannot be affirmed of any other Form of Government in any Church. Upon which Conſideration, and ſuch other Motives as have been already repreſented to this Honourable Parliament from other Perſons and Places (with whom we concur) in behalf of *Epiſcopacy*, We earneſtly deſire, That you would Protect that Ancient and *Apoſtolical Order* from Ruine or Diminution.

“And become farther Suiters for the Continuance of thoſe Pious

June,
1641.

“ Foundations of *Cathedral Churches*, with their Lands and Revenues,
“ As dedicate to the Service and Honour of God, ſoon after the plantation of Chriſtianity in the *Engliſh* Nation:
“ As thought fit and Uſeful to be preſerved for that end, when the Nurſeries of Superſtition were demoliſhed, and ſo continued in the laſt and beſt Times ſince the Bleſſed Reformation, under King *Edw.* 6. Q. *Elizabeth* and King *James*, Princes Renowned through the World for their Piety and Wiſdome:
“ As approved and confirmed by the Laws of this Land, Ancient and Modern:
“ As the principal outward Motive and Encouragement of all Students, eſpecially in Divinity, and the fitteſt Reward of ſome deep and eminent Scholars:
“ As producing or nouriſhing in all Ages many Godly and Learned Men, who have moſt ſtrongly aſſerted the Truth of that Religion we profeſs, againſt the many fierce Oppoſitions of our Adverſaries of *Rome*:
“ As affording a competent Portion in an ingenuous way to many Younger Brothers of good Parentage, who devote themſelves to the Miniſtery of the Goſpel:
“ As the only means of Subſiſtence to a multitude of Officers and other Miniſters, who with their Families depend upon them, and are wholly maintained by them:
“ As the main Authors or Upholders of divers Schools, Hoſpitals, High-wayes, Bridges, and other Publique and Pious Works:
“ As ſpecial Cauſes of much Profit and Advantage to thoſe Cities where they are ſituate, not only by relieving their Poor, and keeping convenient Hoſpitality, but by occaſioning a frequent reſort of Strangers from other Parts, to the great benefit of all Tradeſmen, and moſt Inhabitants in thoſe places:
“ As the goodly Monuments of our Predeceſſors Piety, and preſent Honour of this Kingdom in the Eye of Forreign Nations:
“ As the chief Support of many Thouſand Families of the Laity, who enjoy fair Eſtates from them in a free way:
“ As yielding a conſtant and ample Revenue to the Crown:
“ And as by which many of the Learned *Profeſſours* in our *Univerſity* are maintained.

“ The Subverſion or Alienation whereof muſt (as we conceive) not only be attended with ſuch conſequences as will redound to the ſcandal of many well affected to our Religion, but open the mouths of our Adverſaries, and of Poſterity againſt us; and is likely in time to draw after it harder conditions upon a conſiderable part of the Laity, an univerſal cheapneſs and contempt upon the Clergy, a lamentable drooping and defection of Induſtry and Knowledg in the *Univerſities*; which is eaſie to foreſee, but will be hard to remedy.

May it therefore pleaſe this Honourable Aſſembly, *upon theſe and ſuch other Conſiderations as Your great Wiſdomes ſhall ſuggeſt, to take ſuch Pious Care for the Continuance of theſe* Religious Houſes, *and their Revenues, according to the beſt Intentions of their* Founders, *as may be to the moſt furtherance of God's Glory and Service, the Honour of this Church and Nation, the Advancement of* Religion *and* Learning, *the Encouragement of the*

Modeſt Hopes and Honeſt Endeavours of many Hundred Students *in the* Univerſities.

Who do and ſhall ever pray,&c.

Dat. An. Dom. *milleſimo ſexcent' quad' primo è Domo Convocationis, in celebri Conventu Doctorum ac Magiſtrorum, omnibus & ſingulis aſſentientibus.*

The L. *Morley* to be Tryed by his Peers for the Murther of one *Clark*.

Upon Report from the Lords Committees for Priviledges, *It is Ordered, That the Lord* Morley *and* Monteagle *ſhall be Tryed at the Barr in this Houſe touching the Murther of* Peter Clarke, *and that a Writ of* Certiorari *ſhall be directed to the Lord Chief Juſtice of the* Kings-Bench, *to bring into this Houſe the Indictment and Examinations againſt the ſaid Lord* Morley *remaining now in the Court of* Kings Bench, *that the King's Attorney and the reſt of his Majeſties Learned Counſel ſhall give in Evidence on the Kings behalf againſt the ſaid Lord* Morley. *And that the ſaid Lord* Morley *ſhall have Liberty to have Counſel to ſpeak for him in point of Law only, but not to matter of Fact. And laſtly, That the Complainants ſhall be heard by their Counſel at the Barr at their ſaid Tryal, if they deſire it. And becauſe that in one and the ſame Indictment the ſaid Lord* Morley *and Mr.* Kirke *are both contained, this Houſe doth further Order, That the Record of the Indictment for ſo much as concerns the ſaid* Kirke, *ſhall by this Houſe be remanded to the Court of* Kings-Bench, *that there he may be proceeded againſt according to Law.*

Letters to be opened this Week.

A Meſſage was ſent up from the Commons by Mr. *Hollis*, who ſaid he was Commanded to let their Lordſhips know, *That the Commons have taken Notice of the Secret Counſels of Jeſuits and other ill-affected perſons in the Kingdom, which are fomented by our Enemies abroad, to diſturb the Peace of this Kingdom and* Scotland; *the deſire of the Houſe of Commons was, That all ſuſpected perſons be ſtopped at the Ports, and if Cauſe Examined; and that the Letters of this Week which come from* France *may be ſtayed and brought to this Houſe, to be peruſed as hath formerly been.*

Upon which the Lords *Ordered, That the Poſt-Maſter Mr.* Thomas Witherings *ſhould bring the Letters accordingly, and that ſuſpected perſons ſhould be Examined, and, if there were occaſion for it, apprehended.* And the L. Privy Seal, Earl of *Cambridg*, Earl of *Holland*, Viſcount *Say* and *Seal*, were appointed by the Houſe to acquaint his Majeſty with what the Houſe Reſolved in this buſineſs.

His Majeſty coming this Day to the Houſe of Lords, the Commons were ſent for to attend him, by the Gentleman Uſher of the Black Rod, in order to his giving the Royal Aſſent to the Bill for Tonnage and Poundage; when the *Speaker* of the Commons Houſe addreſſed himſelf to his Majeſty with this following Speech.

Mr. *Speaker's* Speech to his Majeſty at the paſſing the Bill for Tonnage and Poundage, *June* 22. 1641.

That policy, moſt Gracious and Dread Soveraign, which weighs the Prerogative of the King and Property of the Subject in the ſame Scales, and increaſes the plenty of the Crown, and contentment of the People; the even poiſing of this Beam enables both, the one being ordained for the preſervation of the other.

This Principle is ſo riveted into the Hearts of your Subjects by the Acts of their Anceſtors, and Traditions of their Fore-fathers, that it hath Created a belief in them, that their Wills are bound to a due Allegiance, and their Fortunes and Eſtates, as

June, 1641.

well as their Duty and Subjection, muſt bend to the Commands of that Soveraign power with which God hath inveſted your Sacred Majeſty.

Compulſary obedience, advanced by the tranſcendent power of Prerogative, is too weak to ſupport the right of Government: It is the Affections and Eſtates of your People, tyed with the Threads of Obedience, by the Rules of Law, that faſtens ſafety and proſperity to the Crown.

The experiment of elder times, in the Reigns of the moſt Valiant puiſſant Princes, hath concluded this the Soveraign Preſervative againſt the Diſeaſes of diſtraction and confuſion, and makes it manifeſt to the World, that the Honour and Glory of this Throne is to command the Hearts of Free-men.

This admitted, the permiſſion of the leaſt diminution, or any Eclipſed interpoſition between the Honor and Plenty of the Crown, contracts a Scorn upon the Nation.

Several Parliaments in former times have ſtampt the Character of a free gift upon the Fore-front of this Aid, ſtill offered by the People, as a Sacrifice of Thanks-giving to the Crown, for the ſafe conduct of your Merchants, and proviſion of the Navy, to ſtrengthen your undoubted Dominion over the Seas, which hath protected your Allyes, and is a Terrour to your Enemies.

Our hopes were long ſince to have ſetled this for the meaſure and the time, and with this to have preſented to your Sacred Majeſty the triumphant Palm of Tranquility in all your Kingdoms: But, as a Ship Floating upon a Rough Sea, we have been caſt upon the Rock of Fear and Dangers, and toſſed on the Billows of diſtraction and diſtruſt of Church and Common-wealth, where we yet remain hopeleſs ever to paſs through that narrow Channel which leads to the Haven of Peace, unleſs we be ſpeedily Steered on by the hand of your Sacred Wiſdom, Care and Providence.

In the midſt of all theſe troubles, and the ſeveral Opinions which have been amongſt us, no diviſion had power to diſtract any one of us from the care and Duty we owe to your Sacred Perſon.

And, to that end am I now ſent by the Commons of England, *to preſent this as a Mark only, whereby your Sacred Majeſty may view the inward duties of our Hearts, until time and opportunity will give Leave for a further expreſſion of our Duties and Affections. The acceptation of this Gift will glad the Hearts of your People, and the approbation by the Royal Aſſent of this Bill (being the largeſt for the meaſure which was ever given) will joyn Wings to our deſires and hopes, which ſhall never return without that Olive-Leaf, which may declare that the Waters are abated, and your Sacred Majeſty way have full aſſurance of the Faith and Loyalty of your Subjects.*

To which his Majeſty was pleaſed to return this Gracious Anſwer.

My Lords and Gentlemen,

The King's Speech at the Paſſing the Bill for Tonnage & Poundage, *June* 22. 1641.

I Do very willingly accept Your Offer made at this time as a Teſtimony of your Love, and of that Dutiful Affection You owe Me, and I no way doubt but that You will perform that which You have intimated unto Me, in perfecting the other Bill when you have Liezure. Likewiſe in paſſing this Bill, you cannot but ſee a great Teſtimony of the Truſt and Confidence I have in Your Affections; as ſince this Parliament begun, I have omitted no Occaſion whereby I may ſhew ſuch Affection to My People, as I deſire My People ſhould ſhew to Me; and not only ſo, but likewiſe in Eſchewing all Occaſions of Diſpute, and in ſeeking to remove Jealouſies.

And for this particular Bill, you cannot but know that I do Freely and Frankly give over that Right which My Predeceſſors have ever Eſteemed their own, though I confeſs diſputed, yet ſo as it was never Yielded by any of them. Therefore you muſt underſtand this as a mark of My Confidence in you, thus to put My Self wholly upon the Love and Affections of My People for My Subſiſtence, and therefore I hope in the perfecting of this you have begun, you will go on the more Cheerfully.

And as for thoſe Rumors which have bred Suſpitions concerning the

Army, though I have heard ſome looſe Diſcourſes touching it, which I never underſtood otherwiſe than as having Relation to the Scottiſh *Army, or preventing Inſurrections, yet they were ſo ſlight of themſelves, that they vaniſhed by their own lightneſs within few dayes after they were born.*

And therefore having ſhewed you my Clearneſs in this, I will leave you with the Aſſurance, That I never had other Deſign but to win the Affections of my People by the Juſtice of my Government.

With this flattering Eloquence did they endeavour to impoſe upon the gracious Inclinations of his Majeſty, who did in all things apply himſelf to oblige them, repreſenting themſelves as moſt tenderly concerned for the Support of his Royal Crown and Dignity by this ſmall Supply; which was in reality nothing more than raiſing mony by his Royal Authority towards defraying a Debt which they had drawn upon the Nation by the burdenſome maintenance of the Army of their Brethren of *Scotland*.

Wedneſday. June 23. Dr. *Leighton* inlarged from his Impriſonment in the *Fleet*. A Bill for puniſhing Scandalous Miniſters, read the firſt time.

Dr. *Leighton* another ſuch Turbulent Presbyterian as *Prin*, *Burton* and *Baſtwick*, who for his affronting the Government was committed Priſoner to the *Fleet*, was this day by order of the Houſe of Commons inlarged from his Impriſonment.

A Bill was this Day read the firſt time for the puniſhing of Scandalous Miniſters. By which, as it afterwards appeared, they intended the Loyal and Orthodox Clergy; for indeed to ſtand up for the Eſtabliſhed Government of the Church, to defend the Liturgy, to maintain the Royal Prerogative, or to ſpeak any thing againſt the violent proceedings of the Parliament for Extirpation of Epiſcopacy, were the greateſt Crimes and Scandals in the World, againſt which neither Learning nor Priety were the leaſt Defence.

A Bill for taking away the Court of Requeſts, read the firſt time.

A Bill was alſo read the firſt time for ſuppreſſing and aboliſhing the Court, called the Court of Requeſts.

The King had now upon the preſſing importunities of the *Scottiſh* Commiſſioners, and in hopes by his preſence there at the Parliament, to Compoſe the Affairs of that Kingdom, reſolved upon a journey into *Scotland*: This ſudden turn put the Faction in *England* to a ſtrange perplexity. They were very jealous and fearful leſt the King coming to a perfect accommodation with his Subjects of *Scotland*, they might be defeated of the hopes of that Brotherly aſſiſtance which they expected from them, and which they had purchaſed at ſo dear a Rate; and that the want of their help might prove a mighty obſtacle to the intended progreſs of their Reformation of the Church and State in *England*.

Thurſday, June 24. Clerk of the Markets Bill paſſed the Commons. Bill for puniſhment of Scandalous Miniſters, read a ſecond time. Bill to prevent vexatious ſuits for Knighthood read a ſecond time.

But Mr. *Pym* who never wanted a Letter of dangerous Conſequence, though of his own Contrivance, to help them out at a dead lift, produced one in the Houſe, which being read, he moved that a Conference ſhould be deſired with the Lords concerning the King's going into *Scotland*.

The Bill for the regulating the Clerks of the Markets, being read a third time, was alſo this day paſſed the Houſe of Commons.

Alſo the Bill for puniſhing Scandalous Miniſters was read a ſecond time.

A Bill for the preventing vexatious Suits for Knighthood, had alſo this day a ſecond Reading.

Then ſeveral heads for a Conference with the Lords, and ſeveral Propoſitions to the King before he go into *Scotland*, were read.

Ceſſation prolonged.

The Ceſſation was alſo prolonged for a fortnight longer, if the Treaty ſhall ſo long continue.

Father *Philips* the Queens Confeſſor ſent for about a Letter intercepted going to Mr. *Montague* in *France.*

It was Ordered, That Father *Phillips* ſhould be ſent for to attend the Committee in the Aſternoon, about a Letter from one Father *Philips* to Mr. *Mountague* in *France.*

The Meſſenger coming to *White-hall*, and finding him acquainted him therewith: *Philips* told him, *He would only go in again and eat ſomething, and go along with him:* But he immediately went and acquainted the Queen with his ſending for by the Commons; after ſome ſtay he returned and told the Meſſenger, *That he had been with the Queen, who had commanded him not to go till ſhe had ſpoken with the King; and that he would obey her Command before that of the Houſe of Commons.* Which Meſſage being related to the Houſe, it was Ordered, *That a Warrant ſhould be ſent to apprehend him, and bring him before the Houſe as a Delinquent.*

A Warrant was alſo directed to the Serjeant at Arms to bring the Pope's Nuncio before the Houſe, but he was not to be ſound.

The 10 Propoſitions of the Commons to be preſented to the King before he goes into *Scotland*, *June* 24, 1641

The Biſhop of *Lincoln* Reports the Conference about the Ten Propoſitions had this morning with the Houſe of Commons, which was delivered by Mr. *Pym*, who ſpake as followeth.

He told your Lordſhips that he was Commanded by the Houſe of Commons to preſent unto your Lordſhips their continued Care and Endeavour for the good of the Kingdom, that as your affections are United with them in one great End, to ſerve God, the King and the Commonwealth, ſo your Counſels might likewiſe jointly Co-operate thereunto.

There is but one End and one Foundation of all theſe Affections and Counſels, howbeit they ſpread themſelves to many and ſeveral Branches, for they are ſo United and Interweaved Duties, which we owe to our God, our King, and our Common-wealth, that we cannot duely and truely ſerve God, but thereby we ſerve our King, nor ſerve God and our King as we ought without our Service to the Common-wealth.

And as a way to this Common and General End, he was to make unto your Lordſhips ſeveral Propoſitions.

Becauſe they had lately found out very Malignant and Peſtiferous Deſigns ſet on foot or plotted to trouble the Peace of the Kingdom. The which, though they were prevented, yet were ſtill purſued, which is the Reaſon why the Houſe of Commons do preſent your Lordſhips with theſe ſeveral Propoſitions in Ten ſeveral Heads, which have their Branches and Subdiviſions made under them.

Firſt Head.

The firſt Head concerning the Diſbanding of the Army, that is in the Forefront, becauſe it is firſt to be done, and to make way for all the reſt. And of this four ſeveral Branches.

(1.) *The Houſe of Commons deſires the five Regiments to be firſt Diſbanded according to the former Order agreed upon by both Houſes.*

(2.) *The Commiſſioners for the* Scots *to be deſired to retire ſome of their Troops from the* Teeze.

(3.) *That their Lordſhips would joyn with the Houſe of Commons in an humble motion to his Majeſty to declare theſe Five Regiments to be Diſbanded, and the reſt of the Army as ſoon as Mony may be provided,* *and for the puniſhment of thoſe that ſhall refuſe to Disband, if any ſuch ſhould be.*

(4.) *That the Lord General ſhould be intreated forthwith to repair to the Army, upon* Saturday *at the furtheſt, at which time the Mony will be there.*

And that the Lord Newport, *Maſter of the Ordnance, may likewiſe be there to take care of the Ordnance, and all things under his Charge.*

Second Head.

The Second Head was, That his Majeſty will be pleaſed to allow a convenient time before his journey into Scotland, *that ſo the Army may firſt be Disbanded; and that ſome of the important Affairs now depending in Parliament, ſome in both Houſes, and other ſome in the Houſe of Commons may be diſpatched before his Majeſties Journey.*

This Propoſition he backs with theſe Four Reaſons.

(1.) *The Safety of his Majeſties Perſon.*
(2.) *The Removing of the Jealouſies of his good Subjects.*
(3.) *The Cutting off the hopes of thoſe which are ill affected, and have any Deſign of diſturbing the Kingdom by means of the Armies.*
(4.) *The great advantage in his Majeſties own Affairs, and contentment of his People, if before his going, the Royal Aſſent may paſs to divers Bills concerning the Reformation of the Church and State, whereof ſome are already ſent up, and others in Preparation, as the Bill intended for further Grant of Tonnage and Poundage, and other Cuſtoms.*

That ſome time may be employed to Regulate the King's Eſtate and Revenue, to free them of unneceſſary Burthens, and to employ them for the good of the Commonwealth. All which require his preſence in Parliament.

Third Head.

The Third Head was about his Majeſties Councels.

(1.) *That his Majeſty may be humbly Petitioned to remove ſuch evil Counſellors againſt whom there ſhall be any juſt Exceptions: And for the Committing of his own Buſineſs, and the Affairs of the King to ſuch Counſellors and Officers as the Parliament may have cauſe to conſide in.*

The Reaſons, Becauſe all thoſe ill effects we feel were produced by thoſe ill Counſels, in all the three Fundamentals before ſpoken of.
(1.) *In matters of Religion.*
(2.) *In the King's private Eſtate.*
(3.) *In the good of the whole Kingdom.*

All theſe Three have decayed, but thoſe of another Kind and Allay have much proſpered of late amongſt us; as matters of Monopolies, matters of Projects, and new Inventions.

Here he told your Lordſhips a Tale of a Gardner, who being demanded why the Weeds grew ſo faſt and the Flowers ſo thin in his Ground-Plot, anſwered, That the Weeds were the true Children, but the Flowers were but ſo many Slips and Baſtards. *So, ſaith he, it is written, That Kings ſhould be our Nurſing-Fathers, and Queens our Nurſing-Mothers, but we have found here of late, by reaſon of bad Counſellors, no Nurſes, but Hirelings of the Publick State; theſe therefore are eſpecially to be removed, for the reducing of the Kingdom to a better Condition and Poſture.*

Howbeit this Requeſt is by the Commons recommended but in general for the preſent, without pointing out, or deſigning of particulars, in hope the

the King will find them out himſelf: Otherwiſe it will cauſe the Houſe of Commons to reduce this Petition to Names of Particulars; and therefore they deſire your Lordſhips ſo to commend it to his Majeſty, that he would put the Affairs of his own and the Kingdom into ſuch hands, as his Majeſty and the Parliament may conſide in.

Fourth Head.

The Fourth Head concerns the Queens Majeſty, and conſiſts of ſeveral Branches.

(1.) *That his Majeſty will be graciouſlyy pleaſed by Advice of his Parliament, to perſuade the Queen to take ſome of the Nobility, and others of Truſt into her Service in ſuch Places as are now of her diſpoſing.*

Reaſon.

She ſhewed her ſelf ready to do any thing for the Common good of the Kingdom, and this is of that kind.

(2.) *That no Jeſuit be entertained into Her Majeſties Service, nor any Prieſts Natives of his Majeſties Dominions.*

The Reaſons of this. Firſt, Becauſe Baniſhed in all other Courts of Catholique Princes. Secondly, Againſt the Laws of our Nation, that Native Prieſts ſhould be here.

(3.) *That the Colledg of* Capuchins *at* Denmark-*Houſe may be diſſolved, and the Perſons ſent away out of the Kingdom for theſe Four Reaſons:*

1. *Their being here is a Scandal to our Religion, and a Danger to our Peace.*

2. *Diſaffection to the State manifeſted in Two Letters dated* May, 6. *whereby many Slanders are caſt upon the Parliament and the good Subjects under the Name of* Puritans, *as diſaffected and injurious to the Queens Perſon, and thereupon the Cardinal excited to ſome Deſign againſt* England.

3. *The Letter of* Nathanael Phillips, *wherein by way of Reproach unto the Parliament he writes,* That the *Proteſtation* taken in both Houſes is like the *Scottiſh Covenant*, but ſomewhat worſe.

4*ly, That divers Informations are given of great quantity of Gold Tranſported by theſe Prieſts.*

(4.) *The Fourth Branch concerning the Queen, is upon the ſpecial Occaſion of his Majeſties abſence, That your Lordſhips would joyn with the Houſe of Commons to Adviſe the King.*

That ſome of the Nobility and others of Quality with a competent Guard, may be appointed to attend the Queen for the Security of her Royal Perſon againſt all Deſigns of the Papiſts, and others ill-affected to the Peace of the Kingdom.

The Reaſons for this, Firſt, To ſecure Her from Popiſh Attempts.

Secondly, By the Watchfulneſs of thoſe Worthy Perſons, Prieſts and Jeſuits may be kept from the Court.

He proteſted, That herein they intended nothing of Diſreſpect; he ſaid it was a bleſſed thing to be kept from Temptation; and to be rid of thoſe Flies, would gain the Queen the Love of the People in his Majeſties Abſence.

Fifth Head.

The Fifth Head concerning the Prince, and the reſt of the Royal Iſſue.

That ſome Perſon of Publique Truſt, and well-affected in Religion, may by *by Advice of the Parliament be placed about the* Prince, *and may take Care of his Education, Eſpecially in matters of Religion; and the like Care to be taken of the reſt of his Majeſties Children.*

Sixth Head.

The Sixth Head concerning Papiſts coming to Court, conſiſted of Four Branches.

(1.) *Humbly deſired by the Commons, who deſire your Lordſhips to Joyn with them in that Petition, That his Majeſty would be ſparing in Licenſing Papiſts to come to Court.*

(2.) *That if they come without Licenſe, they may be puniſhed ſeverely, and the Laws be put in Execution.*

(3.) *That if any* Engliſh-*woman that is a Papiſt be about the Court, ſhe may not reſide.*

(4.) *That no Penſion be paid to any lying beyond the Seas, which are of dangerous Condition; And further, That* Engliſh *Ladies Papiſts be removed from the Court, and his Majeſty moved for his Aſent, That the Perſons of the moſt Active Papiſts be ſo reſtrained, as ſhall be neceſſary for the Safety of the Kingdom, even Lords as well as others.*

Seventh Head

The Seventh Head, concerning the Nuncio's.

That it may be declared by an Act of Parliament, That if any man ſhall preſume to come to this Kingdom with Inſtructions from the Pope or Court of Rome, *that he ſhall be in Caſe of High Treaſon, and out of the Protection of the King and Laws.*

Eighth Head.

The Eighth Head, concerning the Security and Peace of the Kingdom, conſiſted of Four Branches.

(1.) *That men of Honour and Truſt be placed Lord Lieutenants in every County, and that direction be given to the Lieutenants to be Careful in the Choice of their Deputies.*

(2.) *That the Trained Bands be furniſhed with Arms, Powder and Bullet, and that they be Exerciſed, and made ready for Service; alſo that an Oath be prepared to paſs both the Houſes of Parliament, (or elſe where Oaths cannot be Enjoyned) to be taken by the Lord Lieutenants, Deputy-Lieutenants, and other Officers of Trained-Bands, and to ſecure their Fidelity in theſe Dangerous Times.*

(3.) *That the Cinque-Ports, and other Parts of the Kingdom may be put into good Hands, and a Liſt of thoſe who Govern them may be preſented to the* Parliament, *and that thoſe Perſons may be altered upon Reaſon, and that Eſpecial Care be taken for Reparation and Proviſion of the Forts.*

(4.) *That my Lord Admiral (that Noble Lord, of whoſe Honour the Houſe of Commons ſtand ſecure) be deſired to inform the* Parliament *in what Caſe the* Navy *is, that if there be any defect, it may be provided for out of the Money which is to come upon the Bill of* Tonnage *and* Poundage; *And that if any ſuſpected perſon have any Command in any of his Majeſties Ships, that he may be removed.*

Ninth Head.

The Ninth Head was, That his Majeſtie will be pleaſed to give Directions to his Learned Counſel, to draw a General Pardon, *in ſuch a Large and Beneficial manner as may be for the Security of his Subjects.*

Tenth Head.

The Tenth Head was, That a Select Committee of the Lords may joyn

June, 1641.

with a proportionable Number of the Houſe of Commons from time to time to confer about the particular Courſes, as may be moſt Effectual for the Reducing theſe Propoſitions to Effect for the Publique Good.

See here the Sketch or rough Draught of the Enſuing Rebellion and Revolution which had been ſo long hatching by theſe Popular and Pretended Patriots.

For that they might either totally Abrogate, or at leaſt Reduce the Imperial Monarchy of theſe Nations to a *Venetian* Dukedom; or, as afterwards, to an Oligarchical State, it was neceſſary they ſhould poſſeſs themſelves of the Power of the Militia, the Forts, Garriſons and Strength of the Nation, and to put out all thoſe who were the King's moſt Loyal Subjects, and true to Monarchy and Parliaments upon the Old Foundation of the Three Eſtates, out of all Power and Truſt, as Evil Counſellors; and to put into their places ſuch perſons as the Parliament might confide in, which were thoſe of the *Puritanical* Faction: And becauſe the King would not ſubject himſelf to the Tyranny and Arbitrary Government of theſe his Subjects, they therefore endeavoured to perſuade the People, that the King by the Suggeſtion of his Evil Counſellors intended to do ſo Himſelf, and ſet up Arbitrary Power over them: upon this point of the *Militia* it was that the matter came to the Fatal Umpirage and Deciſion of the Sword.

And leſt the King ſhould, to prevent this Impoſition upon his Royal Prerogative, have gotten into the Affections both of the *Engliſh* and *Scottiſh* Army, whoſe Mercenary Temper from Experience they very well knew, they were now ſo ſollicitous for the preſent Disbanding, which if it could not be accompliſhed ſo ſoon as they deſired, yet the ſetting a Guard upon the Queen, was to have a Pawn which they knew was very dear to his Majeſty, to ſecure themſelves againſt all Events.

However, it was a high point of Wiſdom in them to procure a Full and General Pardon for what they had already done and attempted, which was only to be Beneficial to themſelves and their own Party, all the *Incendiaries*, and *Malignants*, and ſuch as they had put the Brand of Impeachment or Accuſation upon, being to be Excepted, as was afterwards Urged in the Houſe upon Mr. *Selden*'s preſſing it in Favour of Sir *John Suckling*, Commiſſary *Wilmot*, and ſome others.

Friday, June 25. Meſſage from his Majeſty about Diſbanding.

A Meſſage was brought to the Houſe from his Majeſty, to let them know, *That his Majeſty gives Conſent to the Disbanding of the Army, and wiſhes it may be done with Honour and Safety to the Nation.* His Majeſty alſo acquainted them, *That the* Pope's Nuncio *ſhould be preſently ſent away out of the Kingdom.*

The 1, 2, & 3. of the 10 Propoſitions Agreed to by the Lords.

This Day in the Lords Houſe, the Firſt, Second and Third Heads of the Ten Propoſitions delivered by Mr. *Pym* at a late Conference, were publickly read; and for the Freer Debate of the ſame, the Houſe was adjourned into a Committee during Pleaſure, and after a long Conſideration of them, they were agreed to.

Order concerning the Northern Counties to take their Accounts.

After which the Houſe was reaſſumed, and it was moved, *That the Inhabitants of the Counties of* Northumberland, *Biſhoprick of* Durham, *and Town of* Newcaſtle *do deſire, That a Commiſſion may Iſſue to certain Gentlemen of the ſaid Counties, joyned with ſuch* Scottiſh *Gentlemen as ſhall be named by the* Scottiſh *Commiſſioners at* Newcaſtle, *whereby they may be authorized where there are differences of Account between the* Scots *and the ſaid Inhabitants.*

(1.) *To Examine Witneſſes upon Oath, what Moneys have been paid by the ſaid Inhabitants or any of them, for or towards the Relief of the* Scottiſh *Army ſince the* 28. *of* Auguſt *laſt.*

(2.) *To Examine upon Oath, what Hay, Corn, or other Goods have ſince the ſaid time been taken from the Inhabitants or any of them, by any Officer or Officers, or other perſon of the ſaid* Scottiſh *Army, and for which no Payment or Satisfaction hath been made to the ſaid Inhabitants.*

(3.) *To Examine upon Oath, what Sum or Sums of Money are juſtly due and in arrear by the ſaid Army to the ſaid Counties or any Inhabitants thereof, for Billetting any Horſe or Foot of the ſaid Army.*

Ordered, That the Clerk of the Crown do iſſue out a Commiſſion accordingly.

Meſſage about the payment of the *Scots* the arrear of the Brotherly Aſſiſtance.

A Meſſage was brought from the Houſe of Commons by Sir *John Culpeper*, to acquaint their Lordſhips with *Three Votes made in their Houſe concerning the* Scots. *Two Voted the* 19*th of this Inſtant* June, *and the other made this Day, and deſired their Lordſhips to take them into Conſideration and Confirm them.*

The Votes were theſe:

Reſolved, That one Moiety of the Brotherly Aſſiſtance that is in Arrear, ſhall be paid at Midſummer *come* 12 *Month, and the other Moiety at* Midſummer *come* 2 *Years.*

Reſolved,&c. *That an Act of Parliament of Publique Faith ſhall paſs for Security to be given for the Brotherly Aſſiſtance that is in Arrear.*

Die Veneris 25. Junii, 1641. *Reſolved,*&c. *That the Houſe of Commons doth declare, That the Sums of Money, Arrear for the Brotherly Aſſiſtance to be compriſed in the Act of Parliament, is* 220000 *l.*

Then it was Reſolved upon the Queſtion by the Major part of the Lords, *That this Houſe doth approve of theſe Votes of the Houſe of Commons.*

Memorand. *That this Vote doth not Engage this Houſe in any Moneys, but to ſtrengthen the Votes of the Houſe of Commons, thereby to prepare an Act of Parliament for the Publique Faith.*

An Officer being ſent with a Warrant to apprehend Father *Phillips*, and Waiting for him at *Whitehall*, Complaint was made to the King about it; And the Lord Chamberlain by the King's Command, ſent for the Officer to Examine him by what Authority he came into the Verge of the Court to attach any perſon; who ſhewing him his Warrant, deſired he would truſt him with it to ſhew it to the King: Which the Officer did, and the Lord Chamberlain ſoon after returning, gave this Anſwer, *That his Majeſty would Satisfie the Houſe about it, if* Phillips did not appear.

Thus did theſe men who made ſuch Outcries againſt the leaſt infringement of their Priviledges, make no ſcruple to invade the Undoubted Priviledge of his Majeſty and his Royal Court.

However, *Phillips* did appear in the Afternoon before the Committee, where he was Examined about this Enſuing Letter, as I find it in the Book of *Speeches*.

Copy of Father *Phillips* his Letter to Mr. *Mountague* in *France*.

THe good King and Queen are left very naked; the Puritans, if they durſt, would pull the good Queen in pieces; Can the good King of France *ſuffer a*

June, 1641.

Daughter of France *his Siſter, and her Children, to be thus affronted? Can the Wiſe Cardinal endure* England *and* Scotland *to unite, and not be able to diſcern, in the end it is like they will joyn together, and turn head againſt* France? *A ſtirring active Ambaſſador might do good Service here; I have ſent you a Copy of the King's Speech on* Saturday *laſt, at which time he diſcharged his conſcience, and was adviſed to make that Speech by the Earl of* Briſtol, *and the Lord* Sey, *but I believe there is a miſtake in the Writing, and that it ſhould have been the Lord* Savyll.

This Speech did much operate to the diſadvantage of the Earl of Strafford, *for the Commons were much thereby incenſed, and inflamed againſt him, and this brought forth the next day, being* Monday, *a Proteſtation which was taken in both Houſes of Parliament, of the ſame nature, but rather worſe then the* Scottiſh *Covenant.*

The Londoners *who were very boyſterous came upon* Munday, 5 *or* 6000, *and were ſo rude, that they would not ſuffer the Lords to come and go quietly and peaceably to their Houſes, but threatned them, that if they had not Juſtice, and if they not his Life, it ſhould go hard for all thoſe that ſtood for him, following them up and down, and calling for Juſtice, Juſtice, Juſtice.*

There was in the Houſe of Commons, fifty ſix that denyed to paſs the Earl of Strafford'*s Bill, their Names were taken, and they were fixed upon Poſts, in divers parts of* London, *and there was Written over the Head,* Theſe are *Straffordians* the betrayers of their Country.

By this means it came to paſs that the Lords and Judges were much affrighted, and the moſt of his Friends in the Lords Houſe forſook him; all the Popiſh Lords did abſent themſelves; the Lord of Holland, *and* Hartford, *were abſent, ſo was* Briſtoll, *and others,* Savyll *and the Duke only ſtuck cloſe and faithfully to him, and ſome few other Lords; God knows the King is much dejected, The Lords much affrighted, which makes the Citizens, and Houſe of Commons ſhew their Heads; ſome have braved little leſs then to unthrone His Majeſty, who if he had but an ordinary Spirit, might eaſily quaſh and ſuppreſs theſe People. Our good Queen is much afflicted, and in my Conſcience, the Puritans, if they durſt, would tear her in pieces, this cannot be for the Honour of* France, *to endure a Daughter of that Nation, and her Children ſhould be thus oppreſſed and affronted.*

The Earl of Holland *is made General of the Army, whither he is gone down; The Earl of* Newport, *Maſter of the Ordnance:* Belfoard *the Lientenant of the Tower, hath proved an errand Traytor to the King, who commanded him upon his Allegiance to receive a Captain and* 1000 *men into the* Tower, *which he moſt Traiterouſly refuſed to do; one clauſe is omitted, which ſhould have been placed in the middle of the Letter, which was to this effect, that there was a report in* London, *That the Parliament Houſe was on fire, whereupon there were more then* 1000 *People very ſuddenly gathered together, whereby you may eaſily perceive the hight and violence of the Peoples affections,* May 6. Anno Dom. 1641.

This Letter was thought to be ſent from a Prieſt, calling himſelf Father *Philips* to Mr. *Montague.*

There was another Letter, and that was ſent from one Robert Philips, *one of the Queens Prieſts, and it is ſuppoſed to be to Maſter* Montague, *to this effect. You may expect ſome company with you ere long;* Crofts, Suckling, Piercy, Jermyn, *are gone; all things here are in great incertainties. Proteſtation is made, and taken by both Houſes much like, but much worſe, then the* Scottiſh *Covenant. I ſent you ſome money by Maſter* Jermyn, *but now that he is gone, I make ſome doubt whether he might be mindful of you to take it with him, I have ſpoke to the Queen about your occaſions, and will do what I can, though I am not able to undertake much.*

Your Loving Friend,

Francis Philips.

There is one Paſſage in this Letter which makes me apt to ſuſpect it to be a Forgery of ſome of the Party, and that is in the *5th* Paragraph, where ſpeaking of the Earl of *Strafford*, he ſaith, *That moſt of his Friends in* *in the Lords Houſe forſook him; all the POPISH Lords did abſent themſelves.* For certainly no Roman Prieſt would call them *Popiſh*, but *Catholique* Lords, which is their conſtant Dialect when they ſpeak of thoſe of their own Sect, and a peculiar Honour they arrogate to themſelves; whereas they diſdain the word *Popiſh*, as generally beſtowed upon them in Diſtinction and Contempt by the Proteſtants.

Let it be as it will, Real or Counterfeit, it ſerved their Turn, made a mighty Noiſe, and furniſhed them with a freſh Supply of thoſe Fears and Jealouſies with which they intoxicated the People, and gave them a Riſe for the Wheel that was now upon Motion to ſtop the King's intended Journey into *Scotland*, of which they were not a little jealous and diſtruſtful.

Welch Petition.

A Petition from ſeveral Miniſters of *Wales* was Read and referred to the Committee for Scandalous Miniſters. Thus the Indulgent Mother-Church of *England* had nurſed up Undutiful and Unnatural Children to Rebel againſt Her: a ſort of Amphibious Hypocrites, who could conform and ſwear Obedience to her Laws and Government, while ſhe was in Proſperity, but Petition to pull her down when they ſaw her Entring into the Red Sea of Perſecution; they who had Sucked her Breaſts, and Eat of her Bread, now lifting up their Heels againſt her, and her Enemies being thoſe of her own Houſe.

The further Debate of the 10 Propoſitions in the Houſe of Lords.

This Day the Houſe of Lords was adjourned, during Pleaſure, into a Committee, to debate the reſt of the Ten Heads brought up from the Houſe of Commons. And the Houſe proceeded to the Fourth Head concerning the Queens Majeſty.

And it was Ordered, *That for the preſent this Head and Branches be laid aſide untill the Articles made at the Marriage be ſeen.*

Then the Fifth Head and the Branches were debated and agreed to.

The Sixth Head, the ſecond Branch agreed to. The third Branch, Agreed to joyn with the Houſe of Commons to Petition His Majeſty to prevent it hereafter, and to let the Houſe of Commons know, *That there is but one* Engliſh *Lady about the Queen that is a Papiſt, and to acquaint them with the quiet Condition of that Lady.*

The 4*th* Branch agreed to.

The Fifth Branch concerning *Active Papiſts*, Agreed to know of the Houſe of Commons, *Who they mean by Active Papiſts, and how far the Extent is to be?*

The Eighth Head concerning *the Security and Peace of the Kingdom*, the firſt Branch agreed to, the ſecond Branch to be treated of at the Committee. The third Branch alſo left to the Committee. The Fourth Branch, *Ordered*, *That the Earls of* Eſſex *and* Leiceſter, *and the Lord* Kymbolton, *do acquaint the Lord Admiral with it.*

The Ninth Head referred to the Committee, and they to call the King's Counſel.

The Tenth Head agreed to concerning *a Select Committee of Lords to joyn with a proportionable number of the Houſe of Commons from time to time to confer about theſe particular Courſes as ſhall be moſt Effectual for the Reducing of the Propoſitions to Effect for the Publique Good.* And theſe Lords following were appointed to be Committees for the ſame, *Viz.*

Lord Chamberlain, E. *Bath*, E. *Eſſex*, E. *Dorſet*, E. *Sarum*, E. *Warwick*, E. *March*. Their Lordſhips to meet when they pleaſe.

June,
1641.

* Meſſage from the King about Diſbanding,

* The Lords that were appointed to Wait on His Majeſty, returned this Anſwer, *That the King will give Order to his Attorney-General to iſſue forth and publiſh a Proclamation ſpeedily, and hath given Directions for Letters to be written to the Deputy-Lieutenants from the Lord Lieutenants to aſſiſt them with Power, if occaſion ſhall ſerve, for the quiet Conveying the Soldiers through the ſeveral Counties which they paſs. And laſtly, That his Majeſty is willing the Earls of* Holland *and* Newport *do go into the* North *to their ſeveral Charges in the Army at the time prefixed.*

Saturday, June 26.

There was a Motion made from the Earl of *Holland* General of the Army, who was going down, in order to the Diſbanding, *That he might have an Act to impower him to Exerciſe Martial Law, if the Soldiers ſhould prove Mutinous*; but it was rejected: only they Reſolved to procure a Proclamation to be ſent down for the puniſhment of the Soldiers, if they ſhould be diſorderly, by the Juſtices of Peace,and that the Juſtices and other Civil Officers ſhould ſee the Soldiers orderly Conducted through their reſpective Counties, to the places of their aboad.

Meſſage from the *Scots* Commiſſioners about the Kings Journey into *Scotland.*

There was alſo a Meſſage from the *Scots* Commiſſioners, to acquaint the Houſe, *That they were informed that they had Voted againſt his Majeſties going into* Scotland, *as he had graciouſly promiſed them; which,* they ſaid, *might be of great prejudice unto them, for that they had ſent Proclamations through the Kingdom of* Scotland *for his Majeſties Entertainment within a certain limited time, and therefore they deſired the Houſe would take it into Conſideration: Nevertheleſs, they did not deſire that his Majeſty ſhould go till Matters were well ſettled here, provided it might not be prejudicial unto them by cauſing ſome Jealouſies among the People there.*

Monday, June 28.
Sir *William Savil* releaſed from the *Tower.*

Sir *William Savil* this Day Petitioned the Houſe, upon which it was *Ordered*, That he ſhould be diſcharged from his Impriſonment in the *Tower.*

A Committee of 48 appointed to meet 24 Lords at a Conference in the *Painted Chamber*, about the *Propoſitions* delivered by Mr. *Pym* on *Thurſday* laſt concerning the King's going into *Scotland*,&c.

The Lord Major and Aldermen of *Londons* Petition about chuſing one of the Sheriffs.

In the Houſe of Lords this day the Petition of the Lord Mayor and Aldermen of the City of *London*, lately preſented to the King, was by his Majeſty's Command delivered to the Houſe, and referred to the determination of the Parliament.

The effect of the Petition was concerning the ſole Election of one of the Sheriffs of *London*, which the Lord Mayor claims to have by preſcription of Three Hundred Years; to which the Commons of the ſaid City diſaſſented, unleſs it be with their Confirmation and Approbation.

Hereupon it was Ordered, *That the Lord Mayor, Recorder, and ſome of the Aldermen, and ſome of the Commons of the City of* London, *ſhall have notice to attend this Houſe to morrow morning at Eight of the Clock, at which time their Lordſhips will hear both ſides what they can ſay in this buſineſs.*

Meſſage by Mr. *Pym* about the Arch biſhops Charge and Trial.

A Meſſage was brought from the Houſe of Commons by Mr. *Pym*, who was commanded to let their Lordſhips know, *That formerly they brought up an Impeachment of High Treaſon againſt the Arch-Biſhop of* Canterbury, *which hath lain aſleep ever ſince; but now they intend to proceed, and Examine divers Witneſſes concerning that buſineſs; therefore* *deſired their Lordſhips that a ſelect Committee may be appointed to Examine ſuch Witneſſes as the Houſe of Commons ſhall deſire, and that to be in the preſence of ſome Members of the Houſe of Commons as they ſhall appoint: and that the Examinations be kept ſecret as in the Caſe of the Earl of* Strafford*: and as that they have made an Order in their Houſe, to Examine ſuch Members of their Houſe as are requiſite, ſo they deſire their Lordſhips will be pleaſed to provide, that ſuch Members and Aſſiſtants of this Houſe as they ſhall nominate may be Examined.*

Whereupon it was Ordered, *That this Houſe will joyn with the Houſe of Commons in this Meſſage.*

Ordered, *That the ſame deputed Lords do take the Examination of Witneſſes upon Oath in the Cauſe concerning the Arch-Biſhop of* Canterbury, *as were deputed in the Earl of* Strafford's, *and the ſame Oath to be Adminiſtred, and the ſame Courſe to be obſerved in the reſt of the Particulars.*

Ordered, *That the now Earl of* Bedford *ſhall be added to the Deputed Lords in his Father's room, and Mr. Attorny General, and Mr. Serjeant* Glanvile *are appointed to write down the Examinations.*

A ſtanding Order of the Houſe.

This afternoon, it being a conſiderable time before there were Forty Members to make a Houſe, it was Ordered, *That ſo ſoon as the Houſe Sits, and that the Serjeant comes to any Committee then Sitting, to ſignifie to them that the Houſe is Sitting, that the Chair-man ſhall immediately come away to attend the Service of the Houſe.*

Ordered, *That the Committee for the Biſhop of* Bath *and* Wells *ſit to morrow in the Afternoon at Two of the Clock in the Dutchy Chamber.*

Votes in the Caſe of Mr. *Smith* a ſuſpended Miniſter.

The Caſe of one Mr. *Smith*, a Miniſter, formerly ſuſpended by Sir *John Lamb*, being reported to the Houſe, it was

Reſolved, &c. *That Mr.* Smith *was illegally ſuſpended by Sir* John Lamb, *and that Sir* John Lamb *ought to give him reparation and ſatisfaction for his damages ſuſtain'd by that Suſpenſion.*

Mr. *Hide* Reports the Articles againſt Lord Chief Juſtice *Bramſton.*

Mr. *Hide* reports the Articles againſt Sir *John Bramſton* Knight, Lord Chief Juſtice of the *King's-Bench.* All which being ſingly Voted together, with the Title, were ordered to be ingroſſed in order to their being carried up to the Lords.

The Controverſy between the Lord Major and Commonalty of *London* about Election of one Sheriff heard.

Upon the opening of the Cauſe between the Lord Mayor and Aldermen, and the Commonalty of *London*, concerning the Election of one of the Sheriffs, which formerly hath been choſen by the Lord Mayor, and preſented to the Commonalty on *Midſummer-day* for their Confirmation; and likewiſe the differences concerning the Nomination and Election of other Officers now in queſtion between the ſaid Lord Mayor and the Commonalty; the Lord Mayor alledging the ſaid Sheriff and Officers to be Nominated and Confirmed by him, according to the conſtant practice of the ſaid City for 300 years laſt paſt, without any contradiction or gain-ſaying: But the Commonalty alledging on the behalf of the Commons, that they had intereſt in the ſaid Nomination and Elections, It was thereupon Ordered by the Lords in Parliament, *That the ſaid Lord Mayor ſhall call a Common-Hall on* Friday, 2 July, 1641. *Which Common-Hall is to conſiſt of the Maſters and Wardens, and Livery-men* *very-men of the ſeveral Companies of* London, *and no other. And that the Commonalty are then to Aſſemble in a peaceable and quiet manner, to ſettle and compoſe the Differences between the ſaid Lord Mayor and themſelves if they can; if not, then to make choice of Six diſcreet perſons of the ſaid Commonalty to treat and debate this buſineſs between them, and ſettle and compoſe all differences among themſelves, between this and* Friday *come ſeven-night, being the Ninth of* July, 1641. *But in caſe the ſaid Differences cannot be compoſed, then the pleaſure of the Houſe is, that the ſaid Cauſe ſhall be heard in open Houſe at the Bar on the ſaid Ninth of* July: *And that in the mean time the ſaid Perſons ſo choſen as aforeſaid, ſhall have free liberty by themſelves, their Council and others that they ſhall employ, to View and Tranſcribe ſuch and ſo much of the Charters of the ſaid City, Acts of Common Council, Books of Entries of Elections and Accompts, and all ſuch other Acts and Records as ſhall or may concern the ſaid Cauſes in Queſtion; and that all Clerks and others, in whoſe Cuſtody the ſaid Inſtruments are, ſhall be aſſiſting to the ſaid Searchers: And laſtly, that if the Cauſe ſhall come before the Lords in Parliament, that then the ſaid ſix Perſons ſo choſen as aforeſaid, ſhall attend the ſame before their Lordſhips.*

Thus Early did the Faction graſp at every thing of Power and Authority, and the Common-Halls indeavouring to diveſt the Lord Mayor of his Priviledges, was but a fore-runner that the Houſe of Commons would do the ſame, and ſet up the Popular Authority above that of their Soveraign Lord the King, of whom the Lord Mayor was the immediate Repreſentative.

The Earl of *Briſtol*'s Report of the *Scots* Commiſſioners Anſwer about the ſtaying the Kings Journey, *June* 29. 1641.

Then the Earl of *Briſtol* Reported to the Houſe, *That the Lords Commiſſioners had met with the Commiſſioners of* Scotland, *and delivered unto them the Paper concerning the time of his Majeſties Journey into* Scotland; Which was read *in hæc verba*. Viz.

“ His Majeſty hath Commanded us to let you know, That whereas he hath been Petitioned by both Houſes of Parliament for ſome ſtay of his Journey to *Scotland* until the Armies be Disbanded, and that divers other things for the Peace and Good of this Kingdom be ſetled; And whereas his Majeſty doth acknowledg himſelf ingaged by his Promiſe and by his Letters, as likewiſe by his late Proclamation declaring his Reſolution to be preſent at the Holding of the Parliament in *Scotland* at the day in the Proclamation limited, his Majeſty being deſirous to give Satisfaction to the Parliaments of both Kingdoms, hath Commanded Us to declare unto you the Deſire of the Parliament of *England*, and to Treat with you how his Going may be beſt Fitted and Accommodated to the Convenience of both Kingdoms and the Deſire of both Parliaments.

Then was read the *Scottiſh* Commiſſioners Anſwer hereunto, which follows,

“ We do with all Thankfulneſs acknowledg his Majeſties Royal and Tender Care of Settling the Affairs of his Ancient and Native Kingdome of *Scotland*, and the Conſtancy of his Reſolution according to his Royal Promiſe and Proclamation to be preſent at the Day appointed.

“ Our Affection alſo toward the Settling of the Affairs of *England* and the Deſires of the Houſes of Parliament that his Majeſties Journey

June, 1641.

“ to *Scotland* may be ſtayed for ſome time, to that Effect, do ſo far prevail with us, that we ſhall deal moſt Earneſtly with the Parliament of *Scotland*, That they Adjourn their Meeting till the *5th* of *Auguſt*; or if they ſhall find that a new Adjournment of the Parliament after ſo many Prorogations be ſo prejudicial to the preſent Condition of the Affairs of that Kingdom, that it cannot be granted; We will Endeavour, That they may in their Meetings be only Exerciſed in preparing Matters for the Parliament; and that they determine nothing, nor make any Act, till the day Deſigned for his Majeſties coming: But withall we muſt ſignifie, That the preſent Conſtitution of that Kingdom for want of Councel, Seſſion, and other Courts of Juſtice, and many other Difficulties daily through delayes growing Greater, is ſuch, that it cannot ſuffer longer delay.

“ And therefore that the Houſes of Parliament would be pleaſed ſo far to Expreſs their Reciprocal reſpect of our Affairs, that they will give preſent Aſſent to his Majeſties Coming in his Royal Perſon at the day aforeſaid; without which we can have no ground to deal with the Parliament to the Effect above.

Adam Blaire.

Which Anſwer their Lordſhips taking into Conſideration the Houſe did incline that the King ſhould go his Journey to *Scotland* at the prefixed time, *Provided that the Armies be Disbanded, and the Bills paſs which are ready, and will be ready for Settling the Peace and Security of this Kingdom before that time*; And upon ſignification that his Majeſty Commanded the abovesaid Anſwer to be Communicated to both Houſes of Parliament, it was *Reſolved to have a Conference with the Commons*; Which being done accordingly, a Meſſage was brought from the Houſe of Commons by Mr, Secretary *Vane*, to let them know, *That upon the Report made to the Houſe of Commons concerning the time of the King's Journey to* Scotland, *they have taken the ſame into Conſideration, and they deſire in Regard of the Weighty Affairs of the Kingdom at this time, that their Lordſhips would joyn with them in Petitioning his Majeſty, That he would be pleaſed not to begin his Journey to* Scotland *from hence untill the* 10*th of* Auguſt *next*.

To which their Lordſhips Anſwer, *That their Lordſhips will Joyn with the Houſe of Commons in their Deſires, and will appoint ſome Lords to Attend his Majeſty for his Anſwer herein*; And the Earl of *Eſſex*, Earl of *Warwick*, and Earl of *Briſtol* were appointed to move the King herein for his Anſwer.

The Earl of *Briſtol* returned with this Anſwer from his Majeſty. *That he is ingaged by Promiſe to be in* Scotland *by a peremptory Day; but if the Lords Commiſſioners do Treat with the* Scots *Commiſſioners for further Time for his Journey, and they Conſent thereunto, his Majeſty will refer himſelf to it.*

Upon this the Lords Commiſſioners were appointed preſently to meet with the *Scots* Commiſſioners, and move them herein; and it was returned, *That the* Scots *Commiſſioners hope the Parliament of* Scotland *will give way for deferring the King's Journey until the Tenth of* Auguſt; *but deſire the Houſes of Parliament will declare whether they Conſent to the King's going then, or what other certain time the Parliament will agree to.*

And after a Conference with the Commons upon this Subject, the Earl of *Briſtol* reported, *That the Houſe of Commons by way of Anſwer to the Conference, do preſent a Vote which was paſſed in their Houſe,* which was read as followeth:

Reſolved upon the Queſtion, That this Anſwer ſhall be returned to the Lords, To deſire their Lordſhips to joyn with this Houſe to Petition his Majeſty, that he will be pleaſed to ſtay his Journey into Scotland, *until the* 10*th of* Auguſt; *and that if then he ſhall pleaſe to take his Journey, this Houſe ſhall Submit unto it.*

Hereupon it was Ordered, *That this Houſe doth Aſſent to the Vote of the Houſe of Commons.*

Committee for Scandalous Miniſters revived.

Upon the Petition of one Mr. *Cradock* it was Ordered, *That the Committee for Scandalous Miniſters ſhould be revived to Sit on* Friday, *and the Petition was referred to them.*

A Petition againſt ſeveral Sectaries for pulling down Rails at *St. Thomas Apoſtles, London.*

Upon Reading the Petition of the Parſon and ſome of the Inhabitants of the Pariſh of St. *Thomas* Apoſtles in *London*, complaining that *John Blackwel, Francis Web, Thomas Colley, Michael Robinſon, Zacheus Iſles, George Dye* and *John Roberts*, did in a violent manner break down and carry away the Rails about the Communion-Table in the ſaid Church: Hereupon it was Ordered, *That the Parties aforeſaid be ſent for to Anſwer theſe miſdemeanours on* Friday *next.*

So hot were theſe Zealots for this pretended Reformation, that the late Sentence of the Lords againſt ſome of their Brethren in Iniquity was not able to cool it: But the truth is, they were not only backed, but ſet on by ſome ſticklers in the Houſe of Commons, who had a deſign againſt theſe Superſtitious and Idolatrous Rails, and thought it a good expedient to uſher it in, by ſhewing how grateful a piece of Reformation it would be to the Godly and well-affected Party.

Wedneſday, June 30.

The Bill for the Poll-mony was this day read in the Houſe of Lords, and upon ſome diſlike about the inequality of the Rates, the Biſhops pleading their inability to pay their Firſt-fruits, Tenths, Subſidies and that too, a Conference was deſired by the Houſe of Lords with the Commons, at which Conference the Lords delivered the Bill back to have ſome Clauſes inſerted therein; deſiring that they might Rate their own Members, as the Commons did theirs: But the Commons inſiſted upon it to be the undoubted Priviledge of the Houſe of Commons to impoſe Taxes; upon which occaſion Sir *Simon D'Ewes* made this following Diſcourſe to their Lordſhips.

My Lords,

Sir *Simon D'Ewes* his Speech about the Poll-Bill at a Conference *June* 30. 1641.

I Shall humbly crave liberty to ſhew you, that the Houſe of Commons hath done no more in rating, and proportioning of theſe particular Summs upon your Lordſhips, then by the Ancient rights and priviledges of Parliament they might; and to ſpeak the truth they could in poſſibility do no leſs.

It hath been ſeveral times ſpoken in this place, no leſs juſtly then nobly, by ſome of your Lordſhips, that all matters of ſupply ſhould originally proceed from the Houſe of Commons: for ſo hath been the practice of former times in the ages paſt.

In the Parliament Roll, *de Anno* 9. *H.* 4. *Numero* 21. when the Peers began, but in a ſmall circumſtance to trench upon this priviledge of the Commons, there aroſe a long, and an earneſt debate upon it, the iſſue of which produced a full declaration agreed upon, by both Houſes; That matter of ſupply, muſt firſt proceed from the grant of the Commons, and then be aſſented unto by the Lords: ſo as if we had ſent up the preſent Bill, either with blanks for your Lordſhips to have filled them up, or have left you out wholly, to have inſerted your own degrees and proportions (one of which we muſt have done, if we had not proceeded as we did) it muſt of neceſſity have followed, that your Lordſhips, contrary to the undoubted priviledge of the ſame Houſe, had originally granted aid and ſubſidy, and the Commons had but aſſented.

Before that time, though not upon ſo great an occaſion, it was declared in Parliament, as appears in *Rotulo Parliamenti, de Anno* 5. *R.* 2. *n.* 16. That the Houſe of Commons are firſt to treat of matter of ſupply, to reſolve upon it, and then to communicate thir reſolutions to the Peers. Now, my Lords, our reſolutions are moſt properly couched in a Bill, ſo as we did tranſmit the preſent Grant of Aid and Supply to your Lordſhips in the Ancient and due Form.

But perhaps your Lordſhips will ſay, you queſtion not that general right we have of granting Subſidies, that it is to receive its Birth, and Being from the Houſe of Commons; but that in this particular caſe of Poll-money, you expect a particular ſatisfaction, and much more to ſee it proved, that the Peerage of *England* were ever before rated in ſuch a Bill.

For the firſt, my Lords, this way is an Ancient, and a known way; it began in the time of that Wiſe and Victorious Prince, King *Ed.* 3. as appears upon Record in *Rotulo Parliamenti, de Anno* 51. *Ed.* 3. *Numero* 19. And I aſſure my ſelf neer upon three hundred years continuance is able to challenge both allowance and imitation, from this preſent Age.

During the Reign of *R.* 2. his Grand-child, this courſe of raiſing money by the Poll, was again put in practice, as an advantagious and a ſpeedy way. Your Lordſhips ſhall find one example of it in the Parliament Roll, *de Anno* 4. *Rich.* 2. *n.* 15. being almoſt the ſame with that rate and proportion granted in the time of *Edward* the Third.

But that Record which comes home to this caſe, and is an identical preſident in the very particular before your Lordſhips to give you full ſatisfaction, is found in *Rotulo Parliamenti in Parliamento* 2. (for the miſeries at home, and the calamities abroad, cauſed in one year ſometimes two, ſometimes three Parliaments, in thoſe elder times) *de An.* 2. *Rich.* 2. *n.* 14. where the Dukes, Earls, and Barons are all particularly rated, and the Duke of *Britain* is there aſſeſſed as a Duke, though he were a Free Prince, and had only the Title of Earl of *Richmond* in *England.* Nay, my Lords, the Houſe of Commons at this time hath come far ſhort of the ſame preſident, in favour of the Noble Ladies: for whereas the Counteſſes Dowagers were rated at the ſame proportions with Earls, and the Widows of Barons at as high a rate as the Barons themſelves, we have now eaſed them of two parts of that, and only charged them with the third.

I hope now your Lordſhips have ſeen both reaſon and preſident for our proceedings at this time, you will be pleaſed to believe, that the Houſe of Commons will be as careful, and tender of your Lordſhips Rights, and Priviledges, as of their own.

We know, my Lords, that this is the way to preſerve peace and unity between us, which as it is always expedient, ſo is it at this time moſt neceſſary. For the two Houſes are as the two Arms of the Kingdom; if we hold faſt together, we ſhall be able to Accompliſh great things worthy to be tranſmitted to after-Ages, but if we diſſever and diſunite, we may end in ruin and calamity.

So much of the ſaid Record, as concerns the rating of the Nobility and Gentry, is here added, it being preſented thus ready written at the ſaid Conference.

July, 1641.

Rot. Parliamen. in Parliamento 2. de An. 2. Rich. 2. N. 14.

Le Duc de Lancaſtre & le Duc de Bretaigne cheſcun a——x. Markes, cheſcun Conte D'engleterre——iiii. l. Cheſcun Counteſſes veoves en Engleterre a tant come les Count iiiii. l. Cheſcun Baron & Baneret ou Chivaler qui poet a tant diſpendere——xl. s. Cheſcun Baroneſſe veove paiera come Baron & Banreſſe come le Baneret——xl. s. Cheſcun Bachiler & cheſcun Eſquier qui per Le ſtatute deveroit eſtre Chivaler——xx. s. Cheſcun veove Dame feme de Bachiler & on Eſquier al afferant——xx. s. Cheſcun Eſquire de meindre eſtate vi. s. vii. d. Cheſcun feme veoxe de tiel Eſquire ou Marchant ſuffiſant——vi. s. viii. d. Cheſcun Eſquier nient poſſeſſion de terres ne chateux queſt en ſervice ou ad eſte armes——iii. s. iiii. d.

Captain *Hugh Pollard* Bailed.

Captain *Pollard* this day Petitioned the Houſe, that he might have liberty to go into the Country to viſit his Father who lay very ſick, and was ſo far diſpleaſed with him upon the misfortune of his Accuſation, that he was afraid he would diſ-inherit him; and the Earl of *Eſſex* and another Lord offering to be Bail for him; it was Ordered, *That by Warrant from the Speaker he ſhould be delivered from the Gate-Houſe to the Serjeant at Arms, who was to take Bail of* 1000 l. *from himſelf, and* 500 l. *apiece from his Bail, for his appearing upon* Monday *three weeks.*

Thurſday, July 1.
Stannery Bill paſſed the Commons.
The Articles againſt the Judges Voted.

The Bill for Regulating the Court of *Stanneries* was this day read a third time, and paſſed the Commons.

Mr. *Hide* reports the Articles againſt Judge *Crawley*, Sir *Humphrey Davenport*, Lord Chief Baron of the Exchequer, Sir *Thomas Trevor* Baron of the Exchequer, Sir *Richard Weſton* Baron of the Exchequer, which were ſingly Voted and ordered to be Engroſſed; and a Conference to be deſired with the Lords, and that Sir *Randal Crew*'s Caſe be then recommended to their Lordſhips, to move his Majeſty to recompence him with Honour for his Sufferings for the Publick.

Mr. *Peard* Reports Mr. *Faunt*'s Caſe.

Upon Mr. *Peard*'s reporting of the Caſe of Mr. *Faunt*, it was

Reſolved, &c. *That the Sentence in the Star-Chamber againſt Sir* William Faunt *was without ground of any thing that appears either in anſwer or proof.*

Reſolved, &c. *That the ſaid Mr.* Faunt *and his Father, as Co-executors, ought to be reſtored to all that was paid either by Sir* William Faunt *or them.*

Reſolved, &c. *That the Cauſe be repreſented to the Lords, to the end the Sentence may be reverſed, and the Parties reſtored to all that they and their Teſtators have paid.*

A Vote againſt the Council Board.

Reſolved, &c. *That neither the Body of the Lords of the Council, nor any one of them in particular as a Privy-Councellor, hath any power to impriſon any Free-born Subject, except in ſuch Caſes as they are warranted by the Statutes of the Realm.*

Friday, July 2.

Engroſſed Articles againſt Lord Chief Juſtice *Bramſton*, Lord Chief Baron *Davenport*, the Judges *Crawley*, *Weſton*, *Trevor* and *Berkley*, voted to be carried up to the Lords.

Bills againſt Star-Chamber, &c. Carried up to the Lords.

The Bills againſt the Court of *Star-Chamber* and *High-Commiſſion* Court, with the amendments paſſed and carried up to the Lords by Mr. *Capel*, as alſo the Bill for raiſing Mony for the ſpeedy disbanding the Armies; and to move their Lordſhips to deſire of his Majeſty his Royal Aſſent to them with all convenient Expedition.

The Bill for the Poll-mony with the Amendments were twice read in the Houſe of Lords, and agreed to with this *Memorandum.*

A Salvo enter-ed by the Lords about the Poll Mo-ney.

Memorandum, *That a* Salvo *be entred for the preſerving the Priviledges of Peers of this Realm, for Rating and Taxing themſelves in Subſidies, by Members of this Houſe in time of Parliament.*

Poll Bill paſſed the Lords Houſe.

This day was read a third time the Bill intituled, *An Act for the ſpeedy Proviſion of Mony for disbanding the Armies, and ſetling the Peace of the two Kingdoms, of* England *and* Scotland, *and it was put to the Queſtion, and contented to paſs as a Law.*

Memorandum, *That this Houſe will take into Conſideration hereafter, how the Biſhops may be relieved concerning the Payment of their double Tenths, if they ſhall ſee Cauſe ſo to do.*

Conference to be with the Commons about the Kings beſtowing Honours.

A Meſſage was ſent to the Houſe of Commons to deſire a preſent Conference by a Committee of both Houſes touching Honour.

The ſubject of the Conference to be, *That both Houſes may Petition his Majeſty, that Titles of Honour may not be bought and ſold for Mony, but that it may be confer'd by his Majeſty, as anciently it was, for Vertue and Merit; and alſo to conſult with the Houſe of Commons about a Bill for preventing of this hereafter, and the Bill to begin from the firſt day of this Parliament.*

The Bills for Regulating of the Council-Board, and taking away of the Star-Chamber; and the Bill concerning the High-Commiſſion Court, being read a third time, and upon the Queſtion were reſolved by the major part to paſs as Laws, and were ſent down to the Houſe of Commons.

A Meſſage was ſent to the Commons to let them know that the Lords had ſent ſome of their Houſe to inform his Majeſty that the Bills were ready for his Aſſent.

Saturday, July 3. Meſſage from the Commons to the Lord Keeper, that the Judges may not Travel on the Lords Day.

Mr. *Crew* and Mr. *Littleton* ordered to repair to the Lord Keeper, and to deſire him from this Houſe, to deſire the Judges in their ſeveral Circuits ſo to diſpoſe of their Journeys, that they may not Travel upon the Lords-Day, for the ill example that is given to the Countrey thereby.

A Meſſage was ſent from the Lords to certifie the Commons, that his Majeſty, who intended to be at the Houſe in the morning, had put it off till the afternoon, at which time he would paſs the Poll-Bill, and take time to conſider of the other till *Tueſday.* But at this the Commons were diſpleaſed, and Voted that they ſhould all paſs together; and Mr. *Arthur Goodwin* was appointed to go up to the Lords, to acquaint their Lordſhips, that the paſſing of the other two Bills will Expedite the Mony Bill, and to deſire them to move his Majeſty to do it with all convenient Expedition, and that they will move his Majeſty in it; which they did, who return'd this Anſwer, *That he would in his own perſon give his anſwer to their deſires.*

In the Afternoon his Majeſty coming to the Houſe of Lords, the Commons were ſent for by the Gentleman-Uſher of the Black-Rod, when the Bills were preſented for the Royal Aſſent, Mr. Speaker entertained his Majeſty with this following Speech.

July, 1641.

Mr. Speakers Speech at the paſſing the Bill for Poll-Money *July* 3. 1641.

May it pleaſe your Moſt Sacred Majeſty,

THe Government of this Common-Wealth reſts in the Rules of Order; and hath ſo much affinity and conſent with the Rules of Nature, in the Government of the World, That the firſt Copy and mutation of the one may ſeem to be taken from the Original, and firſt Model of the other.

This contemplation (Moſt excellent and gracious Soveraign) caſts our Eyes upon your Sacred Majeſty, as that Celeſtial Orbe, which never reſting without the Office of perpetual motion, to cheriſh the lower Bodies, not enriching it ſelf with any Treaſures drawn from below, exhales in vapours from the inferior Elements, what in due Seaſon it returns in ſhowers.

The application makes us conſider our ſelves, thoſe ſublunary Creatures, which having their Eſſence and Being from the influence of thoſe Beams (as the Flowers of the Field) open to receive the Glory of the Sun.

In this Relation, both contribute to the Common good; your Sacred Majeſty as a Nurſing Father deſigned to beſtow on your People, the Bleſſing of Peace, and Unity; and we as the Children of Obedience return our duties and affections in Aids and Tributes. And this compacted in one Body by the ligaments of Religion and Laws, hath been the object of admiration to the whole World.

Amidſt the diſtraction of Forreign Nations, we only have ſate under the ſhadow of our Vines, and drank the Wines of our own Vintage.

But your crafty adverſaries, perceiving that the fervent profeſſion of our own Religion, and the firm obſervation of our Laws, have been the Pillars of our proſperity, by ſubtle inſinuation, pretending a politick neceſſity to admit of a Moderation in our Religion, to comply with Forreign Princes, and ſuggeſting it a Principle in the Rules of Soveraignty, to require and take, not ask and have, that it muſt *poſtulare* by power, not *petere* by Laws, and keep theſe miſeries of War and Calamity, between Nation, and Nation, and put us in the poſture of gaze to the whole World.

But when we behold your Sacred Majeſty deſcended from the Royal Loyns of that glorious King, which by his Wiſdom and Policy, firſt ingrafted the White-Roſe and the Red, upon the ſame ſtock, and ſheathed the Sword that had pierced the Bowels of ſo much Nobility, glutted with the Blood of People, and then laid the firſt hopes of the happy Union, between the Nations.

When our thoughts refreſh themſelves with that happy memory of that Religious King, your Gracious Father, on whoſe Sacred Temples both Diadems were placed, wreathed about with this Motto, *faciam eos in gentem unam*, we cannot but believe that God and Nature (by a lineal Succeſſion from thoſe Fathers of Peace) hath ordained you that *Lapis Angularis*, upon which the whole Frame ſettles, and put into the hands of your Sacred Majeſty, the poſſibility and power to firm and ſtabliſh this happy Union between your Kingdoms, and ſo raiſe your memory a Statue of Glory and Wiſdom, from Generation to Generation.

In all this length of time, the aſſurance of this Union and Peace hath been the chief object of our deſires; Our Purſes have been as open as our Hearts, both contributing to this great Work manifeſted by ſo many Subſidies already preſented, ſufficient in our firſt hopes for the full perfection.

But finding that fail, have again adventured upon your Peoples Property, and in an old and abſolute way, new burniſht by the hand of inſtant neceſſity, expreſſed to the World, the Hearts of a Loyal People; and howſoever gilded with a new name of Tranquility and Peace to your Kingdoms, that with more eaſe the People may digeſt the bitterneſs of this Pill; yet ſtill our Hearts had the ſame aim and object.

A Gift ſuitable to the neceſſity of ſo vaſt Expences that time cannot parallel it by any example.

And by which, if your Sacred Majeſty vouchſafe your Royal aſſent, which we Humbly pray, we ſhall not doubt you may ſoon accompliſh thoſe happy effects, that may preſent your Wiſdom, the object of wonder, and your Policy to be admired amongſt the Nations.

July, 1641.

After which his Majeſty commanded the Clerk of the Parliament to pronounce the Royal Aſſent, which he did in theſe words, *viz.*

Le Roy Remerciant ſes bons Subjects accepte leur
Benevolence & ainſi le veult:

For the other two Bills, his Majeſty ſaid, *Inregard he had not conſidered of them, being Bills of great Conſequence, he would inform himſelf concerning the particulars, and return an anſwer within few days.*

After which the Commons with their Speaker returned to their Houſe highly diſcontented, that his Majeſty had not paſſed the other two Bills, for they preſently after in ſome diſorder adjourned themſelves till *Monday.*

Commiſſary *Wilmot*'s Petition rejected.

This day alſo Commiſſary *Willmot* Petitioned the Houſe, that he might have liberty upon Bail to go into the Country for the Recovery of his Health, which was very much impaired by reaſon of his Impriſonment, but the Houſe being already in a great Ferment, it was in an ill minute for him, for whatever they might have done in a better humor, his Petition was now utterly rejected.

Monday, July 5.

The Houſe of Commons met this Morning, but being highly diſcontented at the King's delaying to paſs the two Bills for aboliſhing the Court of *Star-Chamber* and the *High-Commiſſion* Court, they did not fall upon any buſineſs; but within an hour the Gentleman-Uſher of the Black-Rod came to the Houſe, to acquaint them, that the King was come to the Houſe of Lords, and expected their attendance. Upon their coming up his Majeſty ſpake as followeth.

My Lords and Gentlemen,

The King's Speech at Paſſing the Bills againſt the Star-Chamber and High-Commiſſion Court, *July* 5. 1641.

I *Come to do the Office which I did on* Saturday *laſt, to give determination to theſe Two Bills; but before I do it I muſt tell you, that I cannot but be very ſenſible of thoſe reports of diſcontent that I hear ſome have taken for not giving my conſent on* Saturday. *Methinks it ſeems ſtrange that any one ſhould think I could paſs two Bills of that Importance as theſe were, without taking ſome fit time to conſider of them, for it is no leſs than to alter, in a great meaſure, thoſe Fundamental Laws, Eccleſiaſtical and Civil, which many of my Predeceſſors have eſtabliſhed,* &c.

If you conſider what I have done this Parliament, diſcontent will not ſit in your hearts, for I hope you remember that I have granted, That the Judges hereafter ſhall hold their places, quam diu benè ſe geſſerint, *I have bounded the Forreſt, not according to My right, but according to late Cuſtomes.*

I have eſtabliſhed the Property of the Subjects, as witneſs the free-giving, not taking away the Ship-mony.

I have eſtabliſhed by Act in Parliament the Property of the Subject in Tonnage and Poundage, which never was done in any My Predeceſſors time; I have granted a Law for a Triennial Parliament, and given way to an Act for the ſecuring of moneys advanced for the disbanding of the Armies; I have given free courſe of Juſtice againſt Delinquents; I have put the Law in execution againſt Papiſts.

Nay, I have given way to every thing that you have asked of me, and therefore methinks you ſhould not wonder, if in ſome things I begin to refuſe. But I hope, it ſhall not hinder your progreſs in your great Affairs, and

July, 1641.

and I will not ſtick upon trivial matters, to give you content; I hope you are ſenſible of theſe beneficial favours beſtowed on you at this time.

To conclude, You know by your conſent, there is a prefixed time ſet for my going into Scotland, *and there is an abſolute neceſſity for it, I do not know but that things may ſo fall out, that it may be ſhortened; therefore I hope you will haſten the diſpatching of thoſe great buſineſſes that now are neceſſary to be done, and leave trivial and ſuperficial matters to another meeting.*

For my part I ſhall omit nothing that may give you juſt contentment, and ſtudy nothing more then your happineſs, and therefore I hope you ſhall ſee a very good Teſtimony of it by paſſing theſe two Bills.

Le Roy le veult.

This being done, His Majeſty ſaid as followeth:

I have one word more to ſpeak unto you, and take now an occaſion to preſent unto both Houſes, that thereby I hope all the World ſhall ſee, that there is a good underſtanding between me and my people.

It is concerning my Nephew the Prince Elector Palatine, *who having deſired Me and the King of* Denmark *to give way to a writing concerning the Dyet at* Ratisbone *with the Emperor, I could not but ſend my Ambaſſador to Aſſiſt him, though I am afraid I ſhall not have ſo good an anſwer as I expect, which my Nephew fore-ſeeing, hath deſired me, for the better countenancing of the ſame, to make a* Manifeſto *in my Name, which is a thing of great Conſequence; And if I ſhould do it alone, without the advice of my Parliament, it would rather be a ſcorn then otherwiſe: Therefore I do propoſe it unto you, that if you will adviſe me to it, I do think it were very fit to be publiſhed in my name.*

Roſſetti the Popes Nuncio leaves *England.*

Mr. Treaſurer after the Houſe was returned acquaints them that *Roſſetti* the Pope's Nuncio had left *England.*

Shepherd one of the Rioters at St. *Saviours Southwark* releaſed.

W*Hereas* William Shepherd *now a Priſoner in the* Fleet *by the Sentence of this Houſe, for preſſing in with others into the Church of* St. Saviour's, Southwark, *and violently breaking and pulling down of the Rails about the Communion Table; which Sentence he the ſaid* William Shepherd *acknowledging to be juſt and honourable, It is Ordered, That the ſaid* William Shepherd *ſhall be releaſed from his ſaid Impriſonment for this Offence, and ſet at Liberty.*

In compliance with his Majeſties Speech, the Houſe of Commons took the Prince Elector's condition into conſideration; the *Manifeſto* was read, and a Debate had upon it, at which Sir *Benjamin Rudyard* made this Speech.

Mr. *Speaker,*

Sir *Benjamin Rudiard's* Speech concerning the Palatinate.

“THis great Affair of the *Palatinate* concerneth this Kingdom in “Nature, in Honour, in Reaſon of State, in Religion.

“We all know how near in Blood the Prince Elector is to his Majeſty.

“Many of us here know, what ſolemn Proteſtations have been made “in this place for the Recovery of the *Palatinate*, by which we are “bound in Honour to purſue it with our beſt Aſſiſtance. God hath ſo framed the powers of Man, and ſo ordered the courſe of things in this World, as that in all Actions, Right, Reaſon and true Religion may well hold and go together.

“If we conſider Religion according to Reaſon of State, we ſhall find that Chriſtendom divides it ſelf into two ſides; with the Pope, againſt the Pope: His Majeſty is the greateſt King of the Religion, and therefore fitteſt to be the Head of that Party; which will add a greater greatneſs to him then can be gotten any other way.

“The means of it are, firſt, to preſerve Religion ſound and entire within his own Kingdom at home; next to unite the Homogeneal parts of it, pieces of the ſame, together by Alliances, by Confederations abroad.

“The good effects of this *German* Match was loſt by the ill Counſels of thoſe times: It will be an honour to us to repair it by better.

“The reſtoring of the Prince Elector to his Territory and Dignity will reſtore Religion there, will ſtrengthen it, may increaſe it further in *Germany*; which conſideration is of a great and vaſt conſequence, proportionable to the greatneſs and vaſtneſs of that Country; it will likewiſe refreſh and comfort the ſorrowful heart of that moſt Noble, Virtuous and Magnanimouſly ſuffering Queen of *Bohemia*, his Majeſty's Siſter, his Highneſs's Mother, who is ever to be highly and tenderly regarded by this Kingdom.

“This is a fit Conjuncture of time to begin it in, whilſt the King of *Spain* hath ſo much to do of his own, as he is not able to afford his uſual aids to the Emperor, which probably may induce the Emperor to abate of his former Reſolutions.

“That which is now propounded is only a Manifeſt to expreſs and declare our zeal and heartineſs to the Cauſe, and thereby to give it Countenance and Reputation in the preſent Dyet at *Ratisbone*. Reputation in matters of State doth many times prevail as much as Subſtance.

“His Majeſty's Father of bleſſed memory, and himſelf have for many years mediated and treated with the Succeſſive Emperors, by all fair and amicable ways; they have been deluded, they have been neglected: It becomes us, Mr. Speaker, to be Engliſhly ſenſible of the injuſtice of the Indignity.

“Wherefore my humble Motion is, That the Houſe will be pleaſed preſently to name a ſelect Committee, to compoſe a Declaration ſuitable to the importance of the Cauſe.

But the further conſideration of this matter was deferred till *Wedneſday* at Nine of the Clock.

Meſſage about the Queen-Mother.

A Meſſage was alſo delivered from the King by Sir *Benjamin Rudyard* concerning the Queen-Mother, who was very deſirous to depart the Kingdom, only Mony was wanting to defray her charges, which would amount to no leſs than 10000 *l.* And it ſeems the Commons were no leſs deſirous to have her gone, for they preſently conſented that there ſhould be ſo much paid out of the Poll-mony for that Service.

Artic. brought in by Sir *Tho. widdrington* againſt the Biſhop of *Ely*, *Vide* the Articles *infra July* 20th.

Sir *Thomas Widdrington* brought in 25 Articles againſt *Matthew Wren* Lord Biſhop of *Ely*, which being read and ſingly voted were ordered to be Engroſſed; and then the Houſe came to this Vote upon it.

July, 1641.

Reſolved, &c. *That* Matthew Wren *Biſhop of* Ely *is, in the opinion of this Houſe, unfit and unworthy to hold or continue any Spiritual Promotion or Office in the Church or Common-wealth: and that the Lords be deſired to joyn with this Houſe to move his Majeſty to remove the ſaid Biſhop from his Perſon and Service.*

And upon this Sir *William Parkins* took an occaſion to ſpeak as followeth, for the work of Reformation.

Maſter *Speaker*,

Sir *William Parkins's* Speech, *July* 5. 1641.

I Stand not up in my own particular behalf, but in the Univerſal and General name of the whole Kingdom: Alas, Maſter Speaker, *they depend all upon our exemplary Juſtice, which if we do fully execute, will not only give great and plenary ſatisfaction to our Nation, but will likewiſe cauſe the Land to ſmile hereafter with the bleſſed Beams of proſperous Felicity: But if the leaſt Errour and ſmalleſt Deliberation be overſeen by us (Oh! It ſtrikes my trembling mind with horror to think on it) how will all things precipitate themſelves into Ruine moſt Irrevocable; but I ſpeak not this as if any here would omit or extenuate the Supremacy of Juſtice in the leaſt thought: To admoniſh you of that point, were to bid the Moon keep her Monthly Courſe, the Spheres to reduce themſelves in their Circumference, or the Sun to ſhine upon the Earth: But I ſpeak this only to add a Spur unto you, leſt we ſhould at any time languiſh in our Heaven-proceeding Journey. The Cries of the People have come up to me, the Voice of the whole Nation tingles in my Ears; and methinks I hear each Subject wiſh that we would briefly eſtabliſh the Church-Government with all Expedition. Let us firſt begin to confirm our Religion, and God will bleſs our other Proceedings the better: That was always my Opinion, and I am ſure the expectation of the whole Kingdom: How long have we ſate here, and how little have we effected? How much time have we conſumed, and what little have we performed herein? How long have we laboured in this our daily Travel, and as yet have brought forth but an* Embryo, *in what we did intend? 'Tis true, I confeſs, we have tormented our ſelves with daily troubles and vexations, and been very ſolicitous for the welfare of the Common-wealth; but what have we performed, what have we perfected? I will once more relate, what my former Opinion was; Let us (I ſay) begin in the real Eſtabliſhment of our Religion, and (as I ſaid) all our other determinations will ſucceed with a better* Omen; *for indeed moſt of our Delinquents are linkt to this Chain, they depend moſt on this point; therefore we ſhould do well to enter ſpeedily upon the Work.*

Maſter Speaker, *Excuſe my Zeal in this Caſe; for my mouth cannot Impriſon what my mind intends to let out, neither can my tongue conceal that which my heart deſires to promulge. Behold, the Arch-Biſhop (that great Incendiary of this Kingdom) lyes now like a Fire-brand raked up in the Embers; but if he ever chance to blaze again, I am afraid what heretofore he had but in a Spark, he will fully burn down to the ground in a full Flame.*

Wherefore, Maſter Speaker, *Let us begin, for the Kingdom is pregnant with expectation in this point. I confeſs there are many more Delinquents, for the Judges and other Knights walk in* Quirpo; *but they are but Thunderbolts forged in* Canterbury*'s fire: Look upon them all but as polluted Rivers flowing from that corrupt Fountain. Well, is it ſo then, that all* *depend on Religion? Why are we then ſo backward in not Roforming the Church? Why do we ſtick in this point, and not rather proceed in it with all expedition? For indeed, according to the Laws of this Kingdom, as it hath the Dignity of Preeminence, ſo let us give it the Priority in our Determinations.*

Maſter Speaker, *Think with your ſelf, I pray, in what Faction the Church is now, in what Schiſm, in what Confuſion of diſtracted Sectaries it is promiſcuouſly ſhaken: Behold the Papiſts will have their way, the Browniſts will have their way, the Anabaptiſts their way, the Puritan (as ſome call them) their way, the Jeſuitical Prieſts their way; and in theſe various ways they make ſuch a Labyrinth of Religion, that few or none ſcarce can find out the right Way. It behoves us therefore, and is expedient that we ſhould add a Period to theſe Irregular ways, that the Vulgar may no longer wander ill in theſe diſtracted parts.*

Maſter Speaker, *I have now unloaded my mind of her weary burthen, and I beſeech you digeſt my words with your ſerious conſiderations in this reſpect of eſtabliſhing the Church-Government, in true, ſincere, perfect, and unpoluted Religion; which if we do perform, and fully effect, we ſhall do great Honour to God, get great Credit to our Selves, and give great Satisfaction to the whole Kingdom.*

This is my Opinion, this is my Expectation, this is my Prayer; and laſtly, this is my Hope.

Meſſage about a Bill for Clerk of the Market, &c.

A Meſſage was ſent this Morning from the Houſe of Commons by the Lord Viſcount *Wainman*, who ſaid he was Commanded to deliver to their Lordſhips Three Bills which had paſſed the Houſe of Commons. 1. Entituled, *An Act for the better ordering the Office of Clerk of the Market, allowed and confirmed by this Statute, and for the Reformation of the falſe Weights and Meaſures.* 2. *An Act againſt divers Encroachments and Oppreſſions in the Stannery Courts.* 3. *An Act for the Confirmation of his Majeſty's Letters Patents to the Town of* Plymouth, *and for dividing the Pariſh, and building of a new Church.*

And he was further to deſire a diſpatch of ſome Bills brought up formerly, as the Bill againſt Pluralities: and that their Lordſhips would appoint ſome time when their Lordſhips ſhall be at leiſure, that the Commons may come up with the Impeachment againſt the Judges.

The Lords Anſwer.

The Anſwer which was returned to the Meſſage was, *That their Lordſhips will give a diſpatch to theſe Bills now brought up with all convenient ſpeed, and will in a ſhort time give a diſpatch to the Bill againſt Pluralities.* And further it was told them, *That their Lordſhips have appointed great buſineſs this Morning concerning the ſafety of the Kingdom, but will Sit this Afternoon at Three of the Clock, at which time they will give the Houſe of Commons a meeting concerning the Impeachments of the Judges.*

Tueſday, July 6.

Votes about Priviledge in the Caſe of *Hollis*, &c. 3 *Car.*

The Houſe of Commons this Day fell upon the matter of their Priviledges in the Caſe of Mr. *Hollis* and others, 3 *Car.* and upon the Debate of the Houſe, came to theſe following Votes.

Reſolved,&c. *That the Warrants of the Lords and others of the Privy Council, compelling Mr.* Hollis *and others to appear before them during that Parliament, is a Breach of Priviledg.*

Reſolved,&c. *That the Committing of Mr.* Hollis *and others, by the Lords and others of the Privy Council* 3 Car. *during that Parliament, is a Breach of Priviledg.*

July,
1641.

Reſolved,&c. *That the Searching and Sealing of the Chambers, Studies and Papers of Mr.* Hollis, *Mr.* Selden, *and Sir* John Eliot, *being Members of Parliament; and iſſuing out Warrants for that purpoſe, is a breach of Priviledg.*

Reſolved,&c. *That the Exhibiting an Information in the Court of* Star-Chamber *againſt Mr.* Hollis *and others for Matters done by them in Parliament, being Members of Parliament, is a breach of Priviledg.*

Reſolved,&c. *That Sir* Robert Heath, *Sir* Humphrey Davenport, *Sir* Heneage Finch, *Mr.* Hudſon, *and Sir* Robert Berkley, *that ſubſcribed the ſaid Informations, are guilty of the breach of Priviledg.*

Reſolved,&c. *That there was a Delay of Juſtice towards Mr.* Hollis *and others upon the* Habeas Corpora, *in that they were not Bayled in* Eaſter *or* Trinity *Term*, 5 Car.

Reſolved,&c. *That Sir* Nicholas Hide *then Lord Chief Juſtice of the Court of* Kings-Bench, *is guilty of this Delay.*

Reſolved,&c. *That Sir* William Jones, *one of the Juſtices of the* Kings-Bench, *is guilty of this Delay.*

Reſolved,&c. *That Sir* James Whitlock *Knight, one of the Juſtices of the* Kings-Bench, *is guilty of this Delay.*

A Conference was had with the Lords in the *Painted Chamber*, at the tranſmitting of the Impeachments of the Judges; at which time Mr. *William Perpoint* upon the reading the Articles againſt Sir *Robert Berkley* Knight, one of the Juſtices of the Court of *Kings-Bench*, made this Speech in aggravation of their Crimes.

Mr. *William Perpoint's* Speech at the Impeachment of Sir *Robert Berkley, July* 6. 1641.

My Lords,

"I Am Commanded to preſent to your Lordſhips theſe Articles, with "which the Knights, Citizens, and Burgeſſes of the Commons Houſe "of Parliament, in their own Name, and in the Name of all the Commons of *England*, Impeach Sir *Robert Berkley*, Knight, one of the "Juſtices of his Majeſties Court of *Kings-Bench*, in maintenance of their "Accuſation of High Treaſon, and other great Miſdemeanours. The "Articles they deſire may be read.

The Articles were read by Mr. Newport.

"The High Treaſon is in the firſt Article, in his Endeavours to Subvert the Fundamental Laws of this Realm, and to introduce an Arbitrary and Tyrannical Government, which hath been lately adjudged "Treaſon in the Cauſe of the Earl of *Strafford*.

"The other Articles prove the firſt. By his Opinions, Certificates, "Judgments, by his denials of the benefits of our Laws, which have been "read to your Lordſhips. No Fundamental Law to the Subject is left; "our Goods, our Lands, our Bodies, the peace of a good Conſcience, are "by him given up to Arbitrary Tyrannical Government.

"Nothing hath been omitted to make a Judge know the Lawes, to "make him Juſt, or fear him from being Evil: We have Inns of Court "peculiar to that Study, Judges from thence onely choſen; ſeldom any "but what have been Twenty Years there: Honours and Revenues are

July, 1641.

“ given to Judges, Encouragements to do well; this Judge had theſe: Judges are ſworn according to Law to ſerve the King, and his People; according to Law to Counſel the King; and for not ſo doing, to be at his Will for Body, Lands and Goods; this Judge took that Oath: The Lawes the Judges ſtudy, impoſe the greateſt puniſhments upon unjuſt Judges, ſhew that theſe puniſhments have been inflicted; more could not be done to perſwade or fear a Judge.

“ His Offences, ſhew in him great Ambition, yet he was moſt timorous of diſpleaſing the Great in Power: He did not only forbear doing what he was ſworn to do, but was moſt active againſt our Laws, and in oppoſing and puniſhing any that did maintain them.

“ To have only received Bribes (though they blind the Eyes, and though the Deſire to get Money encreaſeth with Age) that hainous Crime in a Judge had been, in compariſon with his Offences, a tolerable Vice; for from ſuch a Judge Juſtice is alſo to be had for money. Ambition is violent, and ruines, whilſt Covetouſneſs is making a Bargain.

“ The words of his Opinion and Judgment are for the King's Power. It is pleaſing to the Nature of Man that others ſhould obey his Will; and well framed diſpoſitions of Princes may eaſily be perſwaded their Power is unlimited, when they are alſo put in mind, that therefore they have more cauſe to do well, and for doing well are more renowned; for the moſt oppreſſive deſigns (which we have ſuffered under) the pretences of his Majeſty have ever bin the good of his Subjects; His is the ſin, that is to judge by the Laws, and knows the Laws are to the contrary, yet puts and confirms ſuch thoughts in his Prince.

“ He that incites another to Arbitrary Government, when his ſelf-ends are thereby compaſſed, hates him for taking that Power he perſwaded him unto.

“ The Writs, thoſe Monſters of Neceſſity, to provide Ships to prevent Imminent Danger, that could not ſtay 40 dayes for the Calling of a Parliament, were therefore to go out in *September* to have Ships ready in *March*. This hath bin adjudged by your Lordſhips to be deſtructive to the Fundamental Laws of this Realm, and to the Subjects right of Property and Liberty, &c. that I ſhall ſay but this concerning them, That this Judge publiſhed them to be *inſeparable Flowers of the Crown*. And that we have lived to ſee for five years together imminent Danger, and thus to be prevented.

“ This Judge did adviſe to ſuch a Government as future Kings here might exerciſe the higheſt Tyranny, and the Subjects want the benefit of reſtraints known to the moſt Slaviſh Eaſtern Nations, where if their Prince do unjuſtly, he hath hatred for it, and the Dangers that follow that. This Judge will have that hatred to go to our good Laws. No ſuch Bondage as when Laws of Freedom are miſ-interpreted by Judges to make men Slaves.

“ What can be conſidered of in a Judge of Law to give his Opinion and Advice to his Prince how the Laws, the mutual Covenants of Kings and Subjects, are to be broken, but that his intentions are to have his Prince do ill, by making his evil Servants to ſtudy, and to be pleaſed with their wicked deſigns; becauſe they ſee means to put them in execution, by making them to perſwade their Prince, becauſe in imminent Danger his Subjects Goods are at his Will, that there is ſuch danger when there is not, and they only have ſome by-end of their own.

July, 1641.

“ A Judge to deliver his Opinion, That if the King ſhould intend to give up his People to be deſtroyed by Forraign Forces, for the Safety of the people in that imminent Danger once by the Law might take away the King; there could be no greater Offence.

“ This Judge will have our Law to be what to him ſeems reaſon; the reaſon limited to him to judge of, is what the Common Law ſaith is ſo, what a Statute hath ſo Enacted. For him to judge this or that is Law, elſe a miſchief ſhall follow, is at beſt for him; but this becauſe the Law in ſuch a thing is imperfect, therefore he will make a Law to ſupply it; or becauſe that the Law written in ſuch particulars is againſt his reaſon, therefore his reaſons to be Laws; then muſt follow, as often as a Judge's Reaſon changes, or Judges change, our Laws change alſo.

“ Our Liberties are in our Laws, where a Subject may read or hear read, this is his, this he may do, and be ſafe, and that thus the Judge ought to give Judgment, he is free. The Exceſſive growth of Courts of Reaſon, Conſcience, came from great and cunning perſons; and though not the moſt ſudden, yet the moſt dangerous,and ſure ways to eat out our Laws, our Liberties.

“ Unlimited power muſt be in ſome to make and repeal Laws to fit the diſpoſitions of Times and Perſons, Nature placeth this in common conſent onely; and where all cannot conveniently meet, inſtructeth them to give their conſents to ſome they know or believe ſo well of, as to be bound to what they agree on. His Majeſty, your Lordſhips and the Commons are thus met in Parliament, and ſo long as we are often reduced to this main Foundation,our King and we ſhall proſper.

“ This Judge will not allow us our Knowledg, or any Reaſon, he will have our Minds, our Souls Slaves. A Grand-Jury-man gave his Fellows true Information; they preſent an Innovation in the Church, are threatned and reviled for it; he that told this Truth is charged (I ſhall uſe this Judge's own words) *to ſin in that, and that he made others forſwear themſelves*; This Judge ſent him to the Common Goal, where he is laid in Irons; and all this, becauſe he and they durſt meddle with Church-Matters. He is forced to tear the Preſentment in pieces in open Court; Our Laws provide for the peace of our Conſciences, many *Acts* of Parliament are for it, and the Truſt by thoſe *Acts* ſet to Juries; this Judge well knew all this: Your Lordſhips have heard what he did to the Jury at *Hartford*; He would have us know no more Divinity then to obey what the Great of the Clergy directed, no more Law than what he ſaid was ſo.

“ Judges in former times, (but only ſuch as were Examples of puniſhment, as of injuſtice in caſes of great and publick concernment) forbare proceedings, till the next Parliament. This neceſſitated the Calling of Parliaments; This Judge had as many ſuch Cauſes before him, as ever any had, yet he never deſired the Reſolution of Parliament in any one, for the ways he went; the neceſſity was never to have a Parliament, he would pull up that Root of our Safeties and Liberties, which whilſt we enjoy, the Malice or Injuſtice of all other Courts and Perſons can never ruine; and when near to Ruin (as moſt near of late) this only ſure Remedy will help us; nothing can ruine a Parliament, but it Self.

“ The Evils which we have ſuffered under, they were committed by

“ the Judges, or by them ought to have been and might have been prevented.

“ This Judge aſſiſted in cauſing the Miſeries we ſuffered in the *Star-Chamber*, and at the *Councel-Table*, he denyed the known Rights which he ought to have granted us to ſtop our Grievances in the Eccleſiaſtical Courts; he was the cauſer of our Sufferings in other Courts.

“ The beſt Lovers of their Laws and Liberties, the moſt Honeſt ſuffer moſt by an unjuſt Judge, they moſt oppoſe his Vices; diſhoneſt perſons find ſuch a Judge to fit their purpoſes, the Judge finds them for his, the bond of iniquity confederates them.

“ He that will do no wrong, will ſuffer none which he can help: the man that knows himſelf born free, will do his utmoſt to live ſo, and to leave Freedom to his Poſterity, were he in Slavery, when by outward geſture thought to be moſt delighted; were his mind then known, there would be found vexation, and his buſie thoughts employed to redeem himſelf and his Poſterity from Thraldom. But to ſay, *Could this Judge intend to make himſelf and his own Poſterity Slaves? What he did, was through errour of Judgment only*: No, *my Lords*, what his Ayms and Endeavours were, is apparent. To conſider Man in the general, we ſhall find in every Age he will be a Slave to ſome few, that many may be Slaves to him, he looks to himſelf only; this he would do or forbear doing to be Great, to be Rich, had he Children or Kindred, or had none. This highly unjuſt Judge by continuing ſins, maintained his Actions to preſerve himſelf; he knows to be found guilty in one of his offences, the penalty of the Law for it, therefore covers the offences committed with inventing and acting other.

“ For a Judge to be Unjuſt, more hurts the Publique than any other, he is not ſuſpected. What a Judge doth, is looked on as a thing that ought to be done. The moſt pernicious Great Man, that by cunning hath got to himſelf the Heart and Tongue of his Prince, his ill acts have dyed with him, if not taken up by others, and then they walk in darkneſs. No man will juſtifie what he doth, by ſaying *Such a Favorite did it*, but the Unjuſt Judgments of this Judge were given in the Noon-day, were done in the face of the whole Kingdom in the hearing of ſuch as might carry the News to all Parts of the Realm, and was therefore done. His Unjuſt Judgments were our Records. We have ſeen Wicked Great Men moſt Craftily Politique, they hated our Laws, yet not meeting with Active Judges moulded to their purpoſes, they and their acts have dyed, the Realm flouriſhed; but of late others leſs Politick meeting with moſt Unjuſt Judges, every way as ill as they could wiſh them to be, then did the Kingdom faint, under the Load of its Miſery did long ſtruggle; now it's riſing I aſſure my ſelf, your Lordſhips will aſſiſt to take off the Burden.

“ If the Deſigns of ſome would not have ſuch a man to be at liberty, a Warrant from ſome Lords of the Council would ſoon have laid him in Priſon, and given no cauſe; had he moved this Judge to be Diſcharged or Bailed, he could have obtained neither, if their wayes would not have endured that man to live, a Judge reviling the Priſoner, and his Counceel that moved for his Diſcharge or Bail, joyned with the hate of ſome Great Man, might ſoon have moved a Gaoler for unwholſome Rooms and Lodging, and ill Dyet for his Priſoner, and they may ſoon take Life away.

July,
1641.

“ Offenders in Priſons are looked after to be ſafe only,ſuch are brought
“ in by Power againſt Law, are abuſed.

“ Had a great Man deſired the Eſtates of others, the breach of a Proclamation
“ might readily have been charged againſt them in the *Star-Chamber* :
“ but they, it may be could have anſwered and cleared themſelves,
“ and proved their Anſwers by Teſtimonies, had they been referred
“ to this Judge, he would have expunged the one, ſuppreſſed the
“ other. Then followed Fines to the value of their Eſtates, or more,
“ then Impriſonments of courſe till they paid ſuch Fines ; your Lordſhips
“ have heard what this Judge did to the Sope-boylers.

“ The Country-man followed the Plough, and his thinking he was
“ aſſured of his Right of Property and Liberty, gave him ability to do it.
“ He believed his Neighbour, his Landlord, his King, could not take his
“ Goods from him without his conſent. He knew the uſual payments
“ by Law, and in Extraordinary Cauſes thought to have that Care to
“ chooſe ſuch for his Knights of his Shire, or for his Burgeſſes, as might
“ be mindful of the cauſe of payment, and of his Eſtate.

“ This man hath heard the Opinions and Judgment of this Judge,
“ hath ſeen his Goods taken from him,without his, or his Knights of the
“ Shire, or Burgeſſes conſent or adviſe. Theſe have made him,his Wife
“ and Children to joyn in tears to wiſh they had never been born ; they
“ have made them think on many wayes, to keep ſafe that Eſtate which
“ was yet left them, have made them deſire to ſell all their Goods, and
“ hide the Money ; but then he remembers this Judge, how that he
“ ſhall be carried to Priſon, and remain there, if he pay not what pleaſe
“ others to aſſeſs him. Then they think idle perſons (the drones and
“ moths of the Common-wealth) to be a wiſe people, who to be unworthy
“ to live, they formerly conceited. They expect,and can think
“ of nothing, but to be Beggars.

“ Where publick and enormous Offences have been committed, eminent
“ and notorious puniſhments muſt be ; ſuch will make your Lordſhips
“ Proceedings highly eſteemed,elſe there will be ſo many offenders,
“ as none without danger can be puniſhed.

“ This Judge, Subverting our Laws, took away the Hearts of many ;
“ he ſubſcribed for the Kings Power, but ſo as he put him on taking his
“ Subjects Goods ; and of all other, ſuch ways be moſt dangerous : For
“ we know, his Majeſty is not the laſt that ſuffers, and is not the King
“ worth many Thouſands ?

“ The place of this Judge was to have given and preſerved to the
“ King the Hearts of his Subjects, the due execution of the Laws had
“ done this ; and when ſuch notice is taken of a Prince, none will
“ conſpire againſt him who cannot fain to themſelves Safety before
“ or after any fact committed. Forraign Enemies will not Invade his
“ Kingdoms.

“ Thus hath his Majeſty now got our Hearts, and will for ever have
“ them. This Judge is to anſwer for what his Majeſty, and for what
“ we have ſuffered.

“ I am Commanded by the Houſe of Commons to deſire of your
“ Lordſhips, *That the Proceedings againſt Sir* Robert Berkley, *Knight,*
“ *one of the Juſtices of his Majeſties Court of* Kings-Bench, *may be in as*
“ *ſpeedy a way of Trial, as the Courſe of Parliament will allow.*

The Articles were as follow.

The Articles of Impeachment of Sir Robert Berkley *Knight, one of the Juſtices of the Court of the* Kings-Bench; *by the Commons in this preſent Parliament Aſſembled, in their Own Name, and in the Name of all the Commons of* England, *in Maintenance of their Accuſation, whereby he ſtandeth Charged with High Treaſon, and other great Miſdemeanors.*

Articles of Impeachment againſt Sir *Robert Berkley* &c. *July* 6. 1641.

INprimis, That the ſaid Sir *Robert Berkley*, then being One of the Juſtices of the ſaid Court of *Kings-Bcneh*, hath Trayterouſly, and Wickedly endeavoured to Subvert the Fundamental Laws and Eſtabliſhed Government of the Realm of *England*; and inſtead thereof to introduce an Arbitrary and Tyrannical Government againſt Law, which he hath declared by Trayterous and Wicked Words, Opinions, Judgments, Practices and Actions appearing in the ſeveral Articles Enſuing.

2. Whereas by the Statute made in the 25*th* Year of the Reign of King *Henry* the 8*th*, Prices of Victuals are appointed to be rated in ſuch manner as in the ſaid Statute is declared: But it is manifeſt by the ſaid Statute, Corn is none of the Victuals thereby intended; Nevertheleſs ſome ill-affected perſons endeavouring to bring a Charge upon the Subjects contrary to Law, did ſurmiſe that the Prices of Corn might be rated and ſet according to the Direction of that Statute, and thereupon great Gain might be raiſed to his Majeſty by Licences and Diſpenſations for ſelling Corn at other Prices: And a Command from his Majeſty being procured to the Judges, and ſent to them by *William Noy* Eſquire, his Majeſties then Attorney-General, to deliver their Opinions touching the Queſtion, *Whether Corn was ſuch Victuals as was intended to have the price rated within the ſaid Statute?* In Anſwer to which Demand, the ſaid Sir *Robert Berkley* then being one of his Majeſties Juſtices of the Court of *Kings-Bench*, in furtherance of the ſaid unlawful Charge, endeavoured to be impoſed, as aforeſaid, the Thirtieth day of *November*, in the Eighth Year of his now Majeſties Reign, did deliver his Opinion, *That Corn was ſuch Victual as was intended to have the Price rated within the ſaid Statute*: Which ſaid Opinion was contrary to Law, and to the plain Senſe and Meaning of the ſaid Statute, and contrary to his own Knowledg, and was given and delivered by him, with a purpoſe and intention, that the ſaid unlawful charge might be impoſed upon the Subject.

3. That an Information being preferred in the Court of Star-Chamber by the ſaid *William Noy*, his Majeſties then Attorney-General, againſt *John Overman*, and Fifteen other Soap-makers Defendants, charging them with ſeveral pretended Offences, contrary to divers Letters Patents, and Proclamations, touching the Making and Uttering Soap, and uſing the Trade of Soap-makers, and other Offences in the ſaid Information mentioned; Whereunto the Defendants did plead, and Demur as to part, and anſwer to other part of the ſaid Information: And the ſaid Plea and Demurrer being over-ruled, for that the Particulars therein inſiſted upon, would appear more fully after anſwer and proof; therefore the Defendants were ordered to Anſwer without Prejudice, and were to be admitted to ſuch Exceptions to the ſaid information, and Advantages of the matter of the Plea and Demurrer upon the hearing, as ſhall be material; and accordingly the Defendants did put in their Anſwers, and ſet forth ſeveral Acts of Parliament, Letter-Patents, Charters, Cuſtoms, and Act of Common-Councel of the City of *London*, and other Matters materially conducing to their Defence; and in Concluſion pleaded Not Guilty. The ſaid Sir *Robert Berkley* then being one of the Juſtices of Court of Kings-Bench, upon the 30th day of *March*, in the Eighth Year of his Majeſties now Reign, upon an Order of Reference to him and others, by the ſaid Court of Star-Chamber, to conſider of the Impertinency of the ſaid Anſwers, did Certifie the ſaid Court of Star-Chamber, *That the whole Anſwers, excepting the four words and ten laſt Lines, ſhould be expunged*; leaving thereby no more ſubſtance of the ſaid Anſwers, than the Plea of *Not Guilty*. And after upon a Reference to him and others, by Order of the ſaid Court; of the impertinency of the Interrogatories, and Depoſitions of Witneſſes taken on the Defendants part; in the ſame Caſe the ſaid Sir *Robert Berkley*, upon the ſecond

July, 1641.

day of *May*, in the Eighth Year of his now Majeſties Reign, Certified that Nine and thirty of the ſaid Interrogatories, and the Depoſitions upon them taken, ſhould be ſuppreſſed which Anſwers (except as aforeſaid) and Depoſitions, although the ſame did contain the ſaid Defendants moſt material Defence. Yet were expunged and ſuppreſſed according to the ſaid Certificates; both which ſaid Certificates were contrary to Law and Juſtice, and contrary to his the ſaid Sir *Robert Berkley*'s own knowledg, and contrary to the ſaid former Order, whereby the Advantages were ſaved to the Defendants, as aforeſaid: And by reaſon thereof, the ſaid *John Overman*, and the ſaid other fifteen Defendants, were ſentenced in the ſaid Court of Star-Chamber, to be committed Priſoners to the Fleet, and diſabled from uſing their Trade of Soap-makers: And one of them fined in a Thouſand Five hundred Pounds; Two of them in a Thouſand Pound apiece; Four of them in a Thouſand Mark apiece; which Fines were eſtreated into the Exchequer without any mitigation: And the ſaid Defendants according to the ſaid Sentence were impriſoned, and deprived of their Trade and Livelihood, tending to the utter ruine of the ſaid Defendants, and to the overthrow of free Trade, and contrary to the Liberty of Subjects.

4. That he the ſaid Sir *Robert Berkley*, then being one of the Juſtices of the Kings-Bench, and having taken an Oath for the due adminiſtration of Juſtice, according to the Laws and Statutes of this Realm, to His Majeſties Liege People; on or about the laſt of *December* ſubſcribed an Opinion in *hæc verba*; [I am of Opinion, that as where the Benefit doth more particularly redound to the good of the Ports or Maritime Parts, (as in caſe of Piracy or Depredations upon the Seas) there the charge hath been, and may be lawfully impoſed upon them, according to Preſidents of former Times; ſo where the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger (of which His Majeſty is the only Judge) there the charge of the Defence ought to be borne by all the Realm in general; This I hold agreeable both to Law and Reaſon.]

5. That he the ſaid Sir *Robert Berkley*, then being one of the Juſtices of our Court of Kings-Bench, and duly ſworn as aforeſaid; In *February*, 1636. ſubſcribed an extrajudicial Opinion, in Anſwer to Queſtions, in a Letter from His Majeſty, in *hæc verba.*

Charles *R.*

When the Good and Safety of the Kingdom in general is Concerned, and the whole Kingdom in Danger; Whether may not the King by Writ under the Great Seal of England, *Command all the Subjects of this Kingdom, at their Charge to provide and furniſh ſuch Number of Ships, with Men, Victuals, and Munition; and for ſuch time as he ſhall think fit, for the Defence and Safeguard of the Kingdom, from ſuch Danger and Peril? And by Law compel the doing thereof in caſe of refuſal, or refractorineſs? And whether in ſuch caſe is not the King the Sole Judge, both of the Danger, and when and how the ſame is to be prevented and avoided?*

“ *May it pleaſe your Moſt Excellent Majeſty, We have according to your Majeſties*
“ *Command, ſeverally every Man by himſelf, and all of us together, taken*
“ *into ſerious conſideration, the Caſe and Queſtion ſigned by your Majeſty, and incloſed*
“ *in your Royal Letter: And we are of Opinion, that when the good and ſafety*
“ *of the Kingdom in general is concerned, and the whole Kingdom in danger, your*
“ *Majeſty may by Writ under the Great Seal of* England, *command all your Subjects*
“ *of this your Kingdom, at their charge to provide and furniſh ſuch number of Ships,*
‘ *with Men, Victual, and Munition, and for ſuch time as your Majeſty ſhall think*
“ *fit, for the Defence and Safeguard of the Kingdom from ſuch Danger and Peril:*

“ *And*

July,
1641.

“ *And that by Law your Majeſty may compel the doing thereof, in caſe of Refuſal, or*
“ *refractorineſs: And we are alſo of Opinion, that in ſuch Caſe, your Majeſty is the*
“ *ſole Judge, both of the danger, and when and how the ſame is to be prevented and*
“ *avoyded.* John Brampſton, John Finch, Humphrey Davenport, John Denham,
“ Richard Hutton, William Joanes, George Crook, Thomas Trevor, George
“ Vernon, Robert Barkley, Francis Crawley, Richard Weſton.

6. That he the ſaid Sir *Robert Berkley,* then being one of the Juſtices of the Court of Kings-Bench, and duly ſworn as aforeſaid, did on the deliver his Opinion in the Exchequer Chamber againſt *John Hampden* Eſquire, in the Caſe of Ship-Money, that he the ſaid *John Hampden* upon the matter and ſubſtance of the Caſe, was chargeable with the Money then in Queſtion: A Copy of which proceeding and judgment, the Commons of this preſent Parliament have delivered to your Lordſhips.

7. That he the ſaid Sir *Robert Berkley,* then being one of the Juſtices of the Court of Kings-Bench, and one of the Juſtices of Aſſize for the County of *York,* did at the Aſſizes held at *York* in *Lent,* 1636. deliver his charge to the Grand-Jury, that it was a lawful and inſeparable Flower of the Crown, for the King to command, not only the Maritime Counties, but alſo thoſe that were In-land, to find Ships for the defence of the Kingdom. And then likewiſe falſely, and maliciouſly affirmed, that it was not his ſingle judgment, but the judgment of all his Brethren, witneſſed by their ſubſcriptions: And then alſo ſaid, that there was a rumour that ſome of his Brethren that had ſubſcribed, were of a contrary Judgment; but it was a baſe and unworthy thing, for any to give his Hand contrary to his Heart; and then wiſhed for his own part, that his Hand might rot from his Arm, that was guilty of any ſuch Crime; when as he knew that Maſter Juſtice *Hutton,* and Maſter Juſtice *Crook,* who had ſubſcribed, were of a contrary Opinion, and was preſent when they were perſwaded to ſubſcribe; and did ſubſcribe for Conformity, only becauſe the major Number of the Judges had ſubſcribed. And he the ſaid Sir *Robert Berkley* then alſo ſaid, that in ſome Caſes the Judges were above an Act of Parliament; which ſaid falſe, malicious Words were uttered, as aforeſaid, with intent and purpoſe to countenance and maintain the ſaid unjuſt Opinions, and to terrifie His Majeſties Subjects that ſhould refuſe to pay Ship-Money, or ſeek any remedy by Law, againſt the ſaid unjuſt and illegal Taxation.

8. That whereas *Richard Chambers* Merchant, having commenced a Suite for Treſpaſs, and falſe impriſonment againſt Sir *Edward Bromfield* Knight, for impriſoning him the ſaid *Chambers,* for refuſing to pay Ship-Money, in the time that the ſaid Sir *Edward Bromfield* was Lord Mayor of the City of *London;* in which Suite the ſaid Sir *Edward Bromfield* did make a ſpecial Juſtification: The ſaid Sir *Robert Berkley* then being one of the Juſtices of the Court of Kings-Bench, in Trinity Term laſt, then ſitting on the Bench in the ſaid Court, upon debate of the ſaid Caſe, between the ſaid *Chambers* and Sir *Edward Bromfield,* ſaid openly in the Court, that there was a Rule of Law, and a Rule of Government: And that many things, which might not be done by the Rule of Law, might be done by the Rule of Government: And would not ſuffer the Point of Legality of Ship-Money to be argued by *Chambers* his Councel, all which Opinions, Declarations, Words and Speeches, contained in the Third, Fourth, Fifth, Sixth, Seventh, and Eighth Articles, are deſtructive to the Fundamental Laws of this Realm, the Subjects right of Property, and contrary to former Reſolutions in Parliament, and to the Petition of Right: which Reſolution in Parliament, and Petition of Right were well known to him, and Reſolved, and Enacted, when he was the King's Serjeant at Law, and attendant in the Lords Houſe of Parliament.

9. That he the ſaid Sir *Robert Berkley,* then being one of the Judges of the Court of King's-Bench, and being in Commiſſion of the Peace, and duly ſworn to execute the Office of a Juſtice of Peace in the County of *Hertford,* on or about the ſeventh of *January,* 1638. at which time the General Seſſions of the

July, 1641.

Peace for the ſaid County were there holden: The ſaid Sir *Robert Berkley*, then and there ſitting on the Bench, did revile and threaten the Grand-Jury returned to ſerve at the ſaid Seſſions, for preſenting the removal of the Communion Table in *All-Saints* Church in *Hertford* aforeſaid, out of the Place where it anciently and uſually ſtood, and ſetting it Alter-ways, againſt the Laws of this Realm, in that Caſe made and provided, as an Innovation in Matters concerning the Church; the ſaid Grand-Jury having delivered to them in Charge at the ſaid Seſſions, by Maſter Serjeant *Atkins* a Juſtice of the Peace of the ſaid County of *Hertford*, that by the Oath they had taken, they were bound to preſent all Innovations, concerning Church Matters. And he the ſaid Sir *Robert Berkley* compelled the Fore-Man of the Jury, to tell him who gave him any ſuch Information, and thereby knowing it to be one *Henry Brown*, one of the ſaid Grand-Jury, he asked the ſaid *Brown* how he durſt meddle with Church Matters; who affirming, that in the ſaid Charge, from Maſter Serjeant *Atkins*, the ſaid Jury was charged to do; he the ſaid Sir *Robert Berkley* told the ſaid *Brown*, he ſhould therefore find Sureties for his good Behaviour: and that he the ſaid Sir *Robert Berkley* would ſet a great Fine on his Head, to make him an Example to others; and thereupon the ſaid *Brown* offered ſufficient Bail; but he the ſaid Sir *Robert Berkley*, being incenſed againſt him refuſed the ſaid Bail, and committed the ſaid *Brown* to Priſon, where he lay in Irons till the next Morning, and uſed to the ſaid *Brown*, and the reſt of the Jurors, many other reviling and terrifying Speeches; And ſaid he knew no Law for the ſaid Preſentment; and told the ſaid *Brown*, that he had ſinned in the ſaid Preſentment: And he compelled the ſaid Grand-Jurors to ſay, they were ſorry for that they had done in that Preſentment; and did bid them to trample the ſaid Preſentment under their Feet; and cauſed *Brown* to tear the ſaid Preſentment in his ſight. And he the ſaid Sir *Robert Berkley*, when as *John Houland*, and *Ralph Pemberton*, late Mayor of Saint *Albons*, came to deſire his Opinion on ſeveral Indictments againſt *John Brown* Parſon of Saint *Albons*, and *Anthony Smith* Vicar of Saint *Peters* in Saint *Albons*, at the Quarter Seſſions held at the ſaid Town of Saint *Albons*, on the four and twentieth of *June*, 1639. for the removal of the Communion Table out of the uſual Place, and not Adminiſtring the Sacrament according to Law in that Caſe provided: He the ſaid Sir *Robert Berkley*, then told them, that ſuch an Indictment was before him at *Hertford*, and that he quaſhed the ſame, and impriſoned the Promoters; by which threatning and reviling Speeches, unjuſt Actions and Declarations, he ſo terrified the Jurors in thoſe Parts, that they durſt not preſent any Innovations in the Church Matters, to their great Grief and Trouble of their Conſciences.

And whereas ſeveral Indictments, were preferred againſt *Matthew Brook* Parſon of *Yarmouth*, by *John Ingram* and *John Carter*, for refuſing ſeveral times to Adminiſter the Sacrament of the Lords-Supper to them, without any lawful Cauſe, at the Aſſizes held at *Norwich* in 1633. He the ſaid Sir *Robert Berkley*, then being one of the Judges of the Aſſize, proceeded then to the Tryal, on the ſaid Indictments; where the Matter in Iſſue being, that the ſaid *Brook* refuſed to Adminiſter the ſaid Sacrament, becauſe the ſaid *Ingram* and *Carter* would not receive Tickets with their Sur-Names before their Chriſten-Names; which was a Courſe never uſed amongſt them, but by the ſaid *Brook*. He the ſaid Sir *Robert Berkley* did then much diſcourage the ſaid *Ingram*'s Councel, and over-rule the Cauſe for matter of Law, ſo as the Jury never went from the Bar, but there found for the ſaid *Brook*. And the ſaid Sir *Robert Berkley* bound the ſaid *Ingram* to the good Behaviour, for the proſecuting the ſaid Indictments, and ordered him to pay Coſts to the ſaid *Brook*, for wrongfully inditing him. And whereas the ſaid *Carter*, not expecting the Tryal at the ſame Aſſizes, he preferred his Indictment, was then abſent; whereupon the ſaid Sir *Robert Berkley* did cauſe to be entred upon the ſaid Indictment, a *vacat*, *quia non ſufficiens in lege*, and ordered an Attachment againſt the ſaid *Carter*, which ſaid proceedings againſt the ſaid *Ingram* and *Carter*, by the ſaid Sir *Robert Berkley*, were contrary to Law and Juſtice, and to his own knowledge.

July, 1641.

10. That the ſaid Sir *Robert Berkley*, being one of the Juſtices of the Court of Kings-Bench, and duly ſworn as aforeſaid, in Trinity Term 1637. deferred to diſcharge or bail *Alexander Jenings* Priſoner in the Fleet, brought by *Habeas Corpus* to the Bar of the ſaid Court; the return of his Commitment being that he was committed by two ſeveral Warrants from the Lords of the Councel, dated the fifth of *November*, 1636. The firſt being only read in Court expreſſing no cauſe, the other for not paying Meſſengers Fees, and until he ſhould bring a Certificate that he had paid his Aſſeſſment for Ship-Money in the County of *Bucks*; but remitted him: And in *Michaelmas* Term after, the ſaid *Jenings* being brought by another *Habeas Corpus* before him as aforeſaid, and the ſame returned; yet he the ſaid Sir *Robert Berkley*, refuſed to diſcharge or bail him, but remitted him. And in *Eaſter* Term, after ſeveral Rules were given for His Majeſties Councel, to ſhew Cauſe why the ſaid *Jenings* ſhould not be Bailed, a fourth Rule was made for the ſaid *Jenings*, to let His Majeſties Attorney General have notice thereof, and notice was given accordingly; and the ſaid *Jenings* by another *Habeas Corpus*, brought to the Bar in Trinity Term after, and the ſame return, with this addition, of a new Commitment of the Fourth of *May*, ſuggeſting he the ſaid *Jenings* had uſed divers ſcandalous Words in derogation and diſparagement of His Majeſties Government: He the ſaid *Jenings*, after ſeveral Rules in the end of the ſaid Trinity Term, was again remitted to Priſon. And he the ſaid Sir *Robert Berkley* did on the fifth of *June* laſt, defer to grant His Majeſties Writs of *Habeas Corpus*, for *William Pargiter* and *Samuel Danvers*, Eſquires, Priſoners in the Gate-Houſe, and in the Fleet: And afterwards having granted the ſaid Writ of *Habeas Corpus*, the ſaid *Pargiter* and *Danvers* were on the eighth of *June* laſt, brought to the Bar of the ſaid Court, where the Returns of their Commitments were, ſeveral Warrants from the Lords of the Councel, not expreſſing any Cauſe; yet he the ſaid Sir *Robert Berkley*, then ſitting in the ſaid Court, deferred to Bail the ſaid *Pargiter* and *Danvers*, and the eighteenth of *June* laſt, made a Rule for a new return to be received, which were returned the 25th of *June* laſt, *in hac verba.*

> “*Whereas His Majeſty finding that his Subjects of* Scotland, *have in Rebellious*
> “*and Hoſtile manner Aſſembled themſelves together, and intend, not only to ſhake off*
> “*their Obedience unto His Majeſty, but alſo as Enemies, to invade and infeſt this His*
> “*Kingdom of* England, *to the danger of his Royal Perſon*, &c.

For prevention whereof, His Majeſty hath, by the Advice of his Councel-Board, given ſpecial Commandment to all the Lord-Lieutenants of the Counties of this Realm, appointed for their Rendezvouz, in their ſeveral and reſpective Counties, there to be conducted and drawn together into a Body for this Service. And whereas His Majeſty, according to the Laws and Statutes of this Realm, and the conſtant Cuſtom of his Predeceſſors, Kings and Queens of this Realm, hath Power for the defence of this Kingdom, and reſiſting the force of the Enemies thereof, to grant forth Commiſſions under His Great Seal, to ſuch fit Perſons as he ſhall make choice of, to Array and Arm the Subjects of this Kingdom, and to compel thoſe who are of able Body, and of able Eſtates, to arm themſelves; and ſuch as ſhould not be of able Bodies, but of Ability in Eſtate, to Aſſeſs them according to their Eſtates, to contribute towards the Charge of arraying others being able of Body, and not able in Eſtate to arm themſelves. And ſuch Perſons as ſhould be contrariant to commit to Priſon, there to remain, untill the King ſhould take further Order therein.

And whereas the Earl of *Exeter*, by vertue of His Majeſties Commiſſion to him directed, for the Arraying and Arming of a certain number of Perſons in the County of *Northampton*, hath aſſeſt *William Pargiter*, being a Man unfit of Body for that Service, but being of Eſtate and Ability to contribute amongſt others, to pay the Sum of five Shillings towards the arraying and arming of others of able Bodies, and wanting Ability to Array and Arm themſelves.

And whereas we have received Information from the ſaid Earl, that the ſaid *William Pargiter* hath not only in a wilful and diſobedient Manner refuſed to pay the ſaid Money aſſeſſed upon him, towards ſo important a Service, to the diſturbance and hindrance of the neceſſary defence of this Kingdom; but alſo by his ill example hath miſ-led many others; and, as we have juſt cauſe to believe, hath practiced to ſeduce others from that ready obedience which they owe, and would otherwiſe have yielded to His Majeſties juſt command, for the publick defence of His perſon and Kingdom; which we purpoſe with all convenient ſpeed to enquire further of and examin.

Theſe are therefore to will and require you, to take into your Cuſtody the Perſons of the ſaid *William Pargiter* and *Samuel Danvers*, and them ſafely to keep Priſoners, till further order from this Board, or until by due courſe of Law they ſhall be delivered. Yet he the ſaid Sir *Robert Berkley*, being deſired to Bail the ſaid *Pargiter* and *Danvers*, remitted them, where they remained Priſoners till the Ninth of *November* laſt, or thereabouts; although the ſaid *Jenings*, *Pargiter*, and *Danvers*, on all and every the ſaid returns, were clearly Bailable by Law; and the Council of the ſaid *Jenings*, *Pargiter*, and *Danvers*, offered in Court very ſufficient Bail. And he the ſaid Sir *Robert Berkley* being one of the Juſtices of the Court of the Kings Bench, denied to grant his Majeſties Writs of *Habeas Corpus* to very many others his Majeſties Subjects; and when he had granted the ſaid Writs of *Habeas Corpus* to very many others his Majeſties Subjects, and on the return no cauſe appeared, or ſuch only as was clearly Bailable by Law; yet he remanded them, where they remained Priſoners very long: Which ſaid deferring to grant the ſaid Writs of *Habeas Corpus*, and refuſals and delays to diſcharge Priſoners, or ſuffer them to be Bailed, contained in this Article, are deſtructive to the Fundamental Laws of this Realm, and contrary to former reſolutions in Parliament, and to the Petition of Right: which ſaid Reſolutions and Petition of Right were well known to him the ſaid Sir *Robert Berkley*, and were Reſolved on and Enacted when he was the Kings Serjeant at Law, and attendant in the Lords Houſe in Parliament.

11. That whereas there was a Cauſe depending in the Court-Chriſtian at *Norwich*, between *Samuel Booty* Clerk, and *Collard*, for two Shillings in the Pound, for Tithes for Rents and Houſes in *Norwich*, and the ſaid *Collard* moved by his Council, in the Court of Kings Bench for a Prohibition to ſtay proceedings in the Court Chriſtian at *Norwich*, and delivered into the ſaid Court of Kings Bench his ſuggeſtions, that the ſaid Cauſe in the ſaid Court Chriſtian was only for Tithes for Rents of Houſes in *Norwich*, which was determinable by the Common Law only: yet he the ſaid Sir *Robert Berkley*, being one of the Juſtices of the ſaid Court of Kings Bench, and ſitting in the ſaid Court, deferred to grant a Prohibition to the ſaid Court Chriſtian in the ſaid Cauſe, although the Council did move in the ſaid Court many ſeveral times, and ſeveral Terms for a Prohibition. And he the ſaid Sir *Robert Berkley* deferred to grant his Majeſties Writ of Prohibition to ſeveral other Courts, on the motions of divers others of His Majeſties Subjects, where the ſame by the Laws of this Realm ought to have been granted, contrary to the Laws of this Realm, and his own knowledge.

All which Words, Opinions, and Actions, were ſo ſpoken and done by him the ſaid Sir *Robert Berkley* Traiterouſly and Wickedly to Alienate the Hearts of His Majeſties Liege People from His Majeſty, and to ſet a diviſion betwixt them, and to ſubvert the Fundamental Laws and Eſtabliſhed Government of His Majeſties Realm of *England*: for which they do Impeach him the ſaid Sir *Robert Berkley* one of the Juſtices of the Court of Kings Bench of High Treaſon againſt our Soveraign Lord the King His Crown and Dignity, and of the miſdemeanors above mentioned.

And the ſaid Commons by Proteſtation, ſaving to themſelves only the Liberty of Exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid Sir *Robert Berkley*, and alſo of replying to the anſwer that he the ſaid Sir *Robert Berkley* ſhall make to the ſaid Articles, or any of them, or of offering Proof of the Premiſes, or any other Impeachments or Accuſations that ſhall be Exhibited by them, as the caſe ſhall according to the courſe of Parliaments require, do pray that the ſaid Sir *Robert Berkley*, one of the Juſtices of the Court of Kings Bench, may be put to anſwer to all and every the Premiſes; and that ſuch Proceedings, Examinations, Tryals, Judgments, and Executions may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

Upon

July, 1641.

Upon the Articles of Impeachments of the Lord Chief Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weſton*, Mr. *Hide* by the Command of the Commons ſpake as follows.

Mr. *Hide*'s Speech at the delivering of the Articles of Impeachment of the L. Chief Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weſton*, *July* 6. 1641.

My Lords,

“There cannot be a greater inſtance of a ſick and languiſhing Commonwealth, than the buſineſs of this day. Good God! how have the guilty theſe late years been puniſhed, when the Judges themſelves have been ſuch Delinquents! 'Tis no marvel that an Irregular, Extravagant, Arbitrary Power, like a Torrent, hath broke in upon us, when our Banks and our Bulworks, the Laws, were in the cuſtody of ſuch Perſons. Men who had loſt their Innocence could not preſerve their Courage; nor could we look that they who had ſo viſibly undone us themſelves, ſhould have the Vertue or Credit to Reſcue us from the Oppreſſion of other Men. 'Twas ſaid by one, who always ſpoke excellently, *That the Twelve Judges were like the Twelve Lions under the Throne of* Solomon; under the Throne in *Obedience*, but yet *Lions*: Your Lordſhips ſhall this day hear of Six, who (be they what they will be elſe) were no *Lions*; who upon vulgar fears delivered up the precious Forts they were truſted with, almoſt without aſſault, and in a tame, eaſie Trance of flattery and ſervitude, loſt and forfeited (ſhamefully forfeited) that Reputation, Awe and Reverence, which the Wiſdom, Courage and Gravity of their Venerable Predeceſſors had contracted and faſtned to the places they now hold; and even rendred that ſtudy and profeſſion, which in all Ages hath been, and I hope now ſhall be of an honourable Eſtimation, ſo Contemptible and Vile, that had not this bleſſed day come, all Men would have had that quarrel to the Law it ſelf, which *Marius* had to the Greek Tongue, who thought it a mockery to learn that Language, the Maſters whereof lived in bondage under others. And I appeal to theſe unhappy Gentlemen themſelves, with what a ſtrange negligence, ſcorn and indignation the faces of all men, even of the meaneſt, have been directed towards them, ſince (to call it no worſe) that fatal declenſion of their underſtandings in thoſe Judgments, of which they ſtand here charged before your Lordſhips. But, my Lords, the work of this day is the greateſt inſtance of a growing and thriving Common-wealth too; and is as the dawning of a fair and laſting day of happineſs to this Kingdom: 'Tis in your Lordſhips power (and I am ſure 'tis in your Lordſhips will) to reſtore the dejected broken people of this Iſland to their former joy and ſecurity, the Succeſſors of theſe Men to their old Priviledge and Veneration, *& ſepultas propè leges revocare*.

“My Lords, the iniquity of Judges is infectious, and their craftieſt Combination to leave us as few innocent as may be: Your Lordſhips have heard of the juſtice of Two of the greateſt Courts of *Weſtminſter*, and that you may know how little advantage the other of his Majeſties Revenue, the Court of Exchequer, hath of its fellows in the Adminiſtration of Right, I am commanded by the Houſe of Commons to preſent to your Lordſhips Three ſeveral Charges againſt three Judges of that Court; my Lord Chief Baron *Davenport*, Mr. Baron *Trever*, and Mr. Baron *Weſton*: Your Lordſhips will pleaſe to hear them read.

Here the ſeveral Articles were read.

"Your Lordſhips obſerve, that the great Reſolution in Ship-mony was a Crime of ſo Prodigious a Nature, that it could not be eaſily ſwallowed and digeſted by the Conſciences even of theſe Men; but as they who are to Wreſtle or run a Race by degrees prepare themſelves by Diet, and leſſer Eſſays for the main Exerciſe, ſo theſe Judges enter themſelves, and harden their hearts by more particular Treſpaſſes upon the Law: By Impoſitions and Taxes upon the Merchant in Trade; by Burdens and Preſſures upon the Gentry in Knighthood, before they could Arrive at that Univerſal deſtruction of the Kingdom by Ship-mony, which promiſed Reward and Security for all their former Services, by doing the work of a Parliament to His Majeſty in Supplies, and ſeemed to delude juſtice, in leaving none to judge them, by making the whole Kingdom party to their oppreſſion.

"My Lords, of this Crime theſe Three Judges ſeem to be at leaſt equally guilty; for however one of them, my Lord Chief Baron, is not charged with that Judgment in the Exchequer-Chamber againſt Mr. *Hampden*, and how he fail'd in making his Concluſion from his own Premiſſes, he only can inform you. Your Lordſhips ſee how quickly he repented that that miſchief was done without him there, by his overtaking his Brethren in his Circuit, and as he ſaid of the vileſt kind of flatterers, *Crudeliſſimo ſervitutis genere, quod intra ſe abominabantur, palam laudabant*: He made all poſſible haſte to redeem himſelf from that imputation of Juſtice, and declared publickly in the face of the Country, that it was adjudged by all the Judges of *England*, that Ship-mony was due to the King, though I believe he will be now glad to be thought none of thoſe Judges. And what others did he well knew, and thereupon Impriſoned a poor man for doing that, which if Ship-mony had been due to his Majeſty by *Magna Charta*, had been lawful for him to have done. Of the reſolutions and judgment it ſelf I am not to ſpeak, your Lordſhips have paſſed your noble judgment.

"My Lords, the firſt Charge in order is, that preſumptuous Decree againſt Mr. *Rolls* and others: And in truth, whatſoever gloſs they put upon it, is no other than a plain grant of the Subſidy of *Tonnage* and *Poundage* to His Majeſty upon all Merchandiſe; after their Goods ſeiſed for non-payment of that pretended duty, the Proprietors brought *Replevins* (which is the natural and genuine remedy appointed by Law in caſe of Property, and grounded upon Property) the Court Awards an Injunction to ſtay theſe *Replevins*, the Goods were in the King's poſſeſſion, and no *Replevin* would lye againſt the King. Truly, my Lords, the injuſtice here is not ſo ſcandalous as the fraud; we all know a *Replevin* (as no other ſuit) lyes againſt the King, if the Goods be in his own hands, in his Bed-Chamber: But to call a ſeiſure by the Farmers (of whoſe intereſt this Court will not deny the notice: and if his Majeſty had any right, they well knew he had transferred it to theſe men) or the Ware-houſes of the Cuſtomers, the King's poſſeſſion, to defeat the Subject of his proper remedy, was the boldeſt piece of Sophiſtry we have met with in a Court of Law. Pardon me if I am tranſported: The Civilians ſay, *Tutor Domini loco habetur cum rem adminiſtrat, non cum pupillum ſpoliat*: The Office of Judges is to preſerve

July, 1641.

“ ſerve and give remedy for right; here they found a right, a known
“ and unqueſtionable right, yet inſtead of aſſiſting took away the remedy
“ to preſerve that right: What ſhall we call theſe Judges? My Lords,
“ in this Argument I am not willing to ſay much; 'tis enough that
“ your Lordſhips know *Tonnage* and *Poundage* is not a duty to the
“ Crown, but a Subſidy, and ſo granted *in ſubſidium*, ſometimes *pro una*
“ *vice tantum*, ſometimes for years, and then ceaſed when the time did
“ expire, that when it was firſt granted for Life, it was with this Clauſe,
“ *Ita quod non trahatur in exemplum futuris Regibus*: But 'tis abundantly
“ enough that his Sacred Majeſty cannot be tainted with the advices
“ and judgments of theſe Men, but looks on this duty ſingly, as the
“ meer Affection and Bounty of his Subjects, the which, no doubt, he
“ ſhall never want.

“ *My Lords*, The next Charge is concerning Impoſitions; Mr. *Vaſſal's*
“ Goods are ſeiſed for not paying Impoſt, which he conceived to be
“ againſt Law, he is Impriſoned, and Judgment given againſt him, without
“ ſuffering him to be heard upon the point of Right, becauſe that had
“ been heretofore judged in *Bates's* Caſe: And yet theſe very Judges
“ have not thought themſelves ſo bound up by former judgments, but
“ that ſince this time they have argued a Caſe upon the ſame point,
“ which was adjudged in *Hillary* Term in the 15 *Elizabeth*, and confirmed
“ after by all the Judges of *England* in a Writ of Error, in the
“ 21 year of that Queen's Reign, 'tis *Walſingham's* Caſe, however the
“ ſame modeſty ſeiſed them again in the Caſe of a Noble Lord, not now
“ preſent. Whether the King, without aſſent of Parliament, may ſet
“ Impoſitions upon the Wares, and Goods of Merchants, is no queſtion;
“ it hath been more then once debated in Parliament, and indeed whilſt
“ it was a queſtion, was fitteſt for a Parliament: I will not trouble your
“ Lordſhips long; 'tis now reſolved, and nothing new can be ſaid in
“ this Argument, though I may have leave to ſay, if the King can by
“ his Letters Patents create ſuch a right to himſelf, and by a Legal
“ Courſe recover that right under ſuch a Title, ſuch Letters-Patents are
“ in no degree inferiour to an Act of Parliament: To reconcile ſuch a
“ power in the Prince, and the property of a Subject, that the one muſt
“ not be deſtructive to the other, will require a much greater, a ſubtler
“ underſtanding then I pretend to: But, my Lords, I do not think the
“ judgment in this point to be ſo great a Crime in theſe Judges, as that
“ they preſumed to judge at all; the matter had been long debated in
“ Parliament, undetermined, and therefore not within the Conuſance of
“ an inferiour Court, had it not been true that *Forteſcue* ſays in his 36
“ Chapter of the Laws of *England*, *Neque Rex per ſe aut Miniſtros ſuos,*
“ *tallagia, ſubſidia, aut quævis onera alia imponit*, &c. *ſine conceſſione vel*
“ *aſſenſu totius Regni ſui in Parliamento ſuo expreſſo*, &c. If the Statute
“ *de Tallagio non concedendo*. If the 30 Chap. of *Magna Charta*,
“ and all the other Statutes to that purpoſe be not clear in the point,
“ they might eaſily have apprehended ſo much weight, ſo much difficulty
“ in the queſtion, (eſpecially ſince in all our Law-Books, not ſo much
“ as the word Impoſition is found, untill the Caſe in my Lord *Dyer* of
“ 1 *Eliz.* (*fol.* 163.) that they might very well have ſuſpected themſelves
“ to be no competent Judges for that determination; and I hope
“ by the experience of this Parliament the Judges will recover that Ancient
“ modeſty, to believe that ſome Caſes may fall out, that may not
“ be properly within their Juriſdiction; in the Ninth year of *Edward*

July, 1641.

“ the ſecond ('tis in the Parliament Rolls.) It being found by an Office
“ after the death of *Gilbert de Clare* Earl of *Glouceſter*, that his Siſters
“ were his Heirs, *niſi Comitiſſa Gloceſtriæ eſſet pregnans*, the queſtion
“ was, Whether the King might grant the Heirs their Livery in *prejudicium*
“ *impregnaturæ*: This was conceived *negotium novum, & difficile*;
“ and the King having commanded the Chancellour and Judges to deliver
“ their Opinions in writing, they returned, *Quod non audebant*
“ *dictum negotium definire, nec Domino Regi conſulere ſine aſſenſu magnatum,*
“ *propter raritatem & difficultatem*: Whereupon day was given to
“ the Parties, *ad proximum Parliamentum*. And your Lordſhips well
“ know the ſpecial care that is taken by the Statute of 14 *Ed.* 3. *cap.* 5.
“ that ſuch matters, as for the difficulty, are not fit for the Judges, or
“ through eminent delay are not diſpatched by the Judges, ſhall be determined
“ in Parliament. Not ſuch matters as the parties concerned,
“ had rather venture upon your Lordſhips judgments, then upon the
“ Rules and Proceedings of the Law (God knows what miſchief and
“ confuſion may fall out upon that admiſſion) there muſt be ſuch difficulty,
“ ſuch delay, before that Statute meant, your Lordſhips Juſtice
“ ſhould be concerned in the reſolution: I wiſh theſe Gentlemen had
“ thought this buſineſs a matter of that difficulty, as had been fit for ſuch
“ a delay.

“ *My Lords*, We come next to the Charge concerning Knighthood:
“ Mr. *Maleverer* appears upon the Proceſs of that Court, pleads and
“ ſubmits to his Fine, *ponit ſe in gratiam Curiæ*: The Barons refuſe to
“ impoſe any Fine, they had no power to do that, he muſt treat with
“ certain Commiſſioners appointed for that purpoſe, and compound
“ with them: Your Lordſhips have not met in the ſame Men ſuch contradictions
“ of Crimes; who would ſuſpect the ſame Men in one Charge,
“ to have the mettle to Uſurp the Power, and Exerciſe the Juriſdiction
“ of the higheſt Court, the Court of Parliament; and preſently to want
“ the Spirit to do that which was ſo reſtrained, and peculiar to their
“ places to have done, as that none elſe could do it? They had no power
“ to Fine, as if the ſole buſineſs of Sworn Judges in a Court of Law,
“ were to ſummon and call Men thither, and then to ſend them on Errands
“ to other Commiſſioners for Juſtice: 'Tis true, the Commiſſioners
“ of 1 *Edw.* 1. to *Tiptoffe* and *Berk*, and ſince to others, were and
“ have been to compound with thoſe, who deſired to compound, not
“ otherwiſe; they had no power to compel any, to fine any; that truſt,
“ by the Law, was and is only in the Judges; ſo that if this duty were
“ aright to his Majeſty, and the Perſons lyable refuſe to compound,
“ for ought theſe Judges can do, the King muſt loſe this Duty,
“ they can impoſe no Fine, only they have found a Trick, which they
“ call the Courſe of the Court (to make his Majeſty a ſaver) appear
“ while you will, plead what you will, ſubmit to the mercy of the
“ Court, Iſſues ſhall go on ſtill, as if you did neither, till you have done
“ ſomewhat that Court will not order you to do, nor is bound to take
“ notice of when you have done; your Lordſhips will help us out of
“ this Circle? And that you may ſee how incapable they are of any
“ excuſe in this point, the very Mittimus out of Chancery gives them
“ expreſs Command amongſt other things, *Vt fines omnium illorum qui*
“ *juxta proclamationem predict' ordinem ante predict' diem ſuſcepiſſe debuerunt,*
“ *capiatis, &c.* 'Tis only worth your Lordſhips obſervation,
“ this miſfortune commonly attends (and may it ever) thoſe abſolute,

“ diſuſed

July, 1641.

“ diſuſed Rights, that be the thing in it ſelf in a degree lawful, the Adviſers
“ and Miniſters of it ſo fail in the Execution, 'that as it uſually
“ proves as grievous to the Subject, ſo by ſome Circumſtances, it proves
“ as penal to the Inſtruments, as if it were in the very nature of the thing
“ againſt all the Laws of Government.

“ I have wearied your Lordſhips: You ſee in what a dreſs of injuſtice,
“ ſubtilty and oppreſſion, I am very unwillingly compelled to preſent
“ theſe Judges to you; if they appear to your Lordſhips under any
“ other Character of known and confeſſed learning in the whole courſe
“ of their lives, how far that will aggravate their fault your Lordſhips
“ muſt only judge: If under the excuſe of Ignorance, or not much
“ Knowledge in the duty of their places, your Lordſhips will eaſily conclude,
“ what infinite miſchief, of which your Lordſhips have no particular
“ Information, the Subjects of this Kingdom have ſuffered in their
“ Lives, in their Fortunes, under ſuch Ignorance, and ſuch Preſumption:
“ If under the Reputation of Prudence and Integrity in all Caſes, except
“ theſe preſented to your Lordſhips; your Lordſhips will be at leaſt
“ of the ſame opinion, that he of *Lacedemon* was of the *Athenians*, if they
“ carried themſelves well, when time was, and now ill, they deſerve a
“ double puniſhment; becauſe they are not good, as they were; and becauſe
“ they are evil, as they were not.

“ *My Lords*, If the excellent, envied Conſtitution of this Kingdom
“ hath been of late diſtempered, your Lordſhips ſee the Cauſes: if the
“ ſweet harmony between the King's Protection, and the Subjects Obedience
“ hath unluckily ſuffered interruption; if the Royal Juſtice and
“ Honour of the beſt of Kings have been miſtaken by his People; if the
“ Duty and Affection of the moſt Faithful and Loyal Nation have been
“ ſuſpected by their gracious Sovereign: If by theſe miſrepreſentations,
“ and theſe miſunderſtandings the King and People have been Robbed
“ of the delight and comfort of each other, and the bleſſed Peace of this
“ Iſland been ſhaken and frighted into Tumults and Commotions; into
“ the Poverty, though not into the rage of War, as a People prepared
“ for Deſtruction and Deſolation: Theſe the are Men Actively or Paſſively,
“ by doing or not doing, have brought this upon us: *Miſera ſervitus
“ falsò pax vocatur: ubi Judicia deficiunt incipit Bellum.*

“ *My Lords*, I am Commanded by the Houſe of Commons to deſire
“ Your Lordſhips, that theſe Three Judges may be ſpeedily required to
“ make their Anſwers to theſe Impeachments: and that ſuch further
“ Proceedings may be had againſt them, as the Courſe and Juſtice of
“ Parliament will admit.

The ARTICLES *were as followeth.*

Articles of Impeachment againſt Judge *Davenport, July 6,* 1641.

Articles of the Houſe of Commons in the Name of themſelves, and of all the Commons of England, *againſt Sir* Humphrey Davenport *Knight, Lord Chief Baron of His Majeſties Court of Exchequer, Impeaching him as followeth.*

THat whereas in the Month of *October*, in the fourth Year of His Majeſties Reign, the Farmers and Officers of the Cuſtom-Houſe, having ſeized great Quantities of Currants, being the Goods of *Samuel Vaſſal* Merchant, and having conveyed them into certain Store-Houſes, at the Cuſtom-Houſe, and detained them, becauſe the ſaid *Samuel Vaſſal* refuſed to pay an Impoſition of five Shillings ſix Pence, upon every hundred weight of the ſaid Currants, pretended to be due upon, and demanded by the ſaid Farmers and Officers on his Majeſties behalf, for the ſaid Currants, whereas no ſuch Impoſition was due or payable for the ſame; but the ſaid Impoſition was, and is againſt the Laws of this Realm.

And whereas alſo in *Michaelmas*-Term, in the ſaid fourth Year of His Majeſties Reign, His Majeſties then Attorney General, exhibited an Information by *Engliſh* Bill in the Exchequer, againſt the ſaid *Samuel Vaſſal*, ſetting forth that King *James* by his Letters-Patents, dated *Tertio Novembr.* in the ſecond Year of His Reign, did command the ſaid Impoſition of five Shillings ſix Pence upon every hundred weight of Currants, ſhould be demanded and received.

And that His Majeſty that now is, by His Letters-Patents dated the ſix and twentieth Day of *July*, in the ſecond Year of His Reign, did by advice of his Privy-Councel, declare his Will and Pleaſure to be, That Subſidies, Cuſtoms and Impoſt, ſhould be levyed in ſuch manner, as they were in the Time of King *James*; and the ſame, and the Farmers thereof, to continue until it might receive a ſetling by Parliament, and commanded the levying and receiving the ſame accordingly; and that the ſaid *Samuel Vaſſal* before the firſt Day of *October* then laſt, before the ſaid Information exhibited, did bring into the Port of *London* in Ships, four Thouſand ſix Hundred thirty eight Hundred Weight of Currants, *Richard Carmarthen*, Surveyor in the ſaid Port of *London*, the ſaid firſt Day of *October*, demanded of the ſaid *Samuel Vaſſal* the ſaid Impoſition of five Shillings ſix Pence for every hundred Weight of the ſaid Currants; and that the ſaid *Samuel Vaſſal* refuſed to pay the ſaid Impoſition, and unjuſtly detained it from the King: To which Information the ſaid *Samuel Vaſſal* appeared, and pleaded the Statute of *Magna Charta*, and the Statute of *de Tallagio non concedendo*, and that he was a Subject born under the Kings Allegiance, and a Merchant of *London* uſing that Trade, and that the ſaid Summ of five Shillings ſix Pence upon every hundred Weight of Currants, was and is *malum talentum*, and not *antiqua ſeu recta conſuetudo*, and that it was impoſed without Aſſent of Parliament: to which Plea the ſaid Attorney General demurred in Law, and the ſaid *Samuel Vaſſal* joyned in Demurrer with him; and when the ſaid Cauſe came to be argued, *viz.* in Trinity Term, in the ſixth Year of His Majeſties Reign, the ſaid Sir *Humphrey Davenport* being then Lord Chief Baron of His Majeſties ſaid Court of Exchequer, did contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoveriſhment of the ſaid *Samuel Vaſſal*, publickly deny to hear the Councel of the ſaid *Samuel Vaſſal* to argue for him, and ſaid, that the Caſe of the ſaid *Samuel Vaſſal* would fall under the ſame Rule with the Caſe of one *Bates*, and therefore was already judged: and when the Councel of the ſaid *Samuel Vaſſal* anſwering that they had nothing to do with *Bates* his Caſe, but deſired to argue for Maſter *Vaſſall*, the ſaid Sir *Humphrey Davenport* replyed, that they knew the Opinion of the Court, and ſhould be heard no further; and ſaid, that the King was in Poſſeſſion, and that they (meaning the ſaid Court of Exchequer) would keep him in Poſſeſſion: And the ſaid Sir *Humphrey Davenport* ſhortly after did (together with the reſt of the then Barons of the ſaid Court of Exchequer) impriſon the ſaid *Samuel Vaſſal*, for not paying ſuch Summs of Money as were pretended by the ſaid Officers of the Cuſtom-Houſe, to be due to His Majeſty, and did delay the ſaid *Samuel Vaſſal* from time to time, from having reſtitution of his ſaid Goods, being often in Court moved thereto, with intention to force the ſaid *Samuel Vaſſal* to pay the ſaid unlawful Impoſition; and did alſo give his Opinion and Judgment upon the ſaid Information for the King, and againſt the ſaid *Samuel Vaſſal*, and by ſeveral Orders for that purpoſe made, did continue the Poſſeſſion of the ſaid Goods in the King, and the ſaid *Samuel Vaſſal* could never obtain any reſtitution at all of his ſaid Goods.

1. That whereas it was commanded to the Sheriff of the County of *York*, by Writ under the Seal of His Majeſties Court of Exchequer, dated the ſixteenth Day of *May*, in the ſeventh Year of His Majeſties Reign that now is, That he ſhould deſtrain *James Maleverer* Eſquire, to appear before the Barons of his Majeſties ſaid Court of Exchequer, in the *Octaves* of the Holy *Trinity* then next following, to make fine to the King for his Treſpaſs and Contempt in

July,
1641.

in not coming to the Preſence of the King, before the one and thirtieth Day of *January*, in the firſt Year of his ſaid Majeſties Reign, to take upon him the Order of Knighthood, according to the Form of a Proclamation in that behalf formerly made, at which Day of the ſaid *Octaves* of the Holy *Trinity*, the ſaid *James Maleverer* did appear, and pleaded to the ſaid Writs, that although His ſaid Majeſty, the ſaid one and thirtieth Day of *January*, and for three Days next before, the ſaid one and thirtieth Day of *January*, was reſident and remaining at his Pallace at *White-Hall* in the County of *Middleſex*, and that the ſaid *James Maleverer* the ſaid one and thirtieth Day of *January*, and three Days next before the ſaid one and thirtieth Day of *January*, was reſident and remaining at *Ancliff* in the ſaid County of *York*, which is diſtant from the ſaid Pallace of *White-Hall*, the ſpace of one Hundred and fourſcore Miles; and that the ſaid *James Maleverer* the ſaid one and thirtieth Day of *January* aforeſaid, or at any time before, had no Lands nor Rents in his own Hands, or in the Hands of Feoffees, to his uſe, out of the ſaid County of *York*, and that that part of the ſaid County of *York* which is neareſt to the ſaid Pallace of *White-Hall*, is diſtant from the ſaid Pallace of *White-Hall* the ſpace of one hundred and thirty Miles; and that no Proclamation, by vertue of any Writ of Proclamation, for the appearance of any Perſons whatſoever, to take the ſaid Order of Knighthood, was made in any Part of the ſaid County of *York*, before the thirtieth Day of *January*, in the ſaid firſt Year of His Majeſties Reign, by reaſon whereof the ſaid *James Maleverer* could not perſonally come to the Preſence of His ſaid Majeſty, to take the ſaid Order of Knighthood before the ſaid one and thirtieth Day of *January*, in the ſaid firſt Year of His Majeſties ſaid Reign, yet the ſaid *James Maleverer* for his Fine in the Premiſſes, did humbly ſubmit himſelf to the ſaid Court, and demanded to be diſcharged of the ſaid Iſſues, returned and impoſed upon him by reaſon of the Premiſſes; yet notwithſtanding the ſaid Plea and Submiſſion of the ſaid *James Maleverer*, and after the ſame was made as aforeſaid, and entred upon Record in His Majeſties ſaid Court of Exchequer, and the ſaid Court moved for ſtay of the Proceſs, and diſcharge of the Iſſues, the ſaid Sir *Humphrey Davenport*, being then Lord Chief Baron of the ſaid Court of Exchequer, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoveriſhing of the ſaid *James Maleverer*, did (together with the reſt of the then Barons of the ſaid Court) refuſe to impoſe any Fine whatſoever upon the ſaid *James Maleverer*, and told him that the ſaid Court had no Power to Fine him, and that he muſt compound with certain Commiſſioners for that purpoſe appointed. And did farther order and direct ſeveral other Writs of *Diſtringas*, to iſſue forth of His Majeſties ſaid Court of Exchequer, under the Seal of the ſaid Court, directed to the ſeveral High Sheriffs of the ſaid County of *York*; whereby the ſaid Sheriffs were commanded further to diſtrain the ſaid *James Maleverer* to appear as aforeſaid; upon which ſaid Writs of *Diſtringas*, ſeveral great and exceſſive Iſſues were returned upon the Lands of the ſaid *James Maleverer*, amounting to the Summ of two Thouſand Pounds, or thereabouts; a great part whereof, the ſaid *James Maleverer* was inforced to pay; and in like manner the ſaid Sir *Humphrey Davenport* (together with the reſt of the then Barons of the ſaid Court of Exchequer) did order and direct ſuch and the like unjuſt and undue Proceedings; and the ſaid Proceedings were had and made accordingly, againſt *Thomas Moyſer* Eſquire, and againſt ſeveral other Perſons, His Majeſties Subjects, in ſeveral Parts of this Realm, to the utter undoing of many of them.

2. That a Sentence of Degradation, being given by the High Commiſſioners of the Province of *York*, againſt *Peter Smart* Clerk, one of the Prebends of the Church of *Durham*, for a Sermon by him formerly Preached, againſt ſome Innovations in the Church of *Durham*, a Tryal was afterwards had, *viz.* in *Auguſt* in the ſeventh Year of his ſaid Majeſties Reign, before the ſaid Sir *Humphrey Davenport*, Knight, then one of the Judges of Aſſizes and *Niſi prius* for the County *Palatine* of *Durham*, concerning the Corps of the Prebend of the ſaid Maſter *Smart*, which was then pretended to be void, by the ſaid Sentence of Degradation; the ſaid Sir *Humphrey Davenport* contrary to his Oath, and contrary to the Laws of this Realm, and to the deſtruction of the ſaid Maſter

July, 1641.

Smart, upon reading the Writ *de hæretico comburendo*, did publickly on the Bench, in the preſence of divers His Majeſties Subjects then attending declare his Opinion to be, *That the ſaid Prebends Place was void*, and gave directions to the Jury then at Bar, to find accordingly: and being then informed that although the ſaid Maſter *Smart* had been dead or deprived, yet the Profits of his Prebend had been due to his Executors, till the *Michaelmas* following, the ſaid Sir *Humphrey Davenport* then anſwered, *That though the ſaid Maſter* Smart *was not dead, Yet if he had his deſert, he had been dead long ago, for he deſerved to have been hanged for the ſaid Sermon, and that he was as wicked a Man, as any lived in the World, call him no more Maſter* Smart *but plain* Smart. And when the ſaid Jury had found againſt the ſaid Maſter *Smart*, the ſaid Sir *Humphrey Davenport*, in ſcandal of His Majeſties Government and Juſtice, and of the Proceedings of His Majeſties Judges, did publickly as aforeſaid, ſpeak Words to this effect, *That the ſaid Jury had well done, and that the ſaid* Smart *had no remedy ſave by appeal to the King; and there he ſhould find but cold Comfort, for the King would not go againſt his own Prerogative, upon which the Judges and High Commiſſioners did depend, and therefore would not contradict one anothers Acts.*

That the ſaid Sir *Humphrey Davenport* about the Month of *November*, *Anno Dom.* 1635. then being Lord Chief Baron of his Majeſties Court of Exchequer, and having taken an Oath for the due Adminiſtration of Juſtice to His Majeſties Liege People, according to the Laws and Statutes of this Realm, ſubſcribed his Name to an Opinion, *in hæc verba*: [*I am of Opinion, That as where the benefit doth more particularly redound to the good of the Ports, or Maritime Parts (as in Caſe of Piracy or Depredations upon the Seas) there the charge hath been, and may be lawfully impoſed upon them, according to Preſidents of former Times; ſo where the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger (of which His Majeſty is the only Judg) there the Charge of the Defence ought to be borne by all the Realm in general: this I hold agreeable both to Law and Reaſon.*]

That in or about the Month of *February*, *Anno Dom.* 1636. the ſaid Sir *Humphrey Davenport*, then being Lord Chief Baron of the ſaid Court of Exchequer, ſubſcribed an extrajudicial Opinion, in Anſwer to Queſtions in a Letter from His Majeſty, *ut ſupra* in the Articles againſt Judge *Bramſton*, and Judge *Berkley*.

That whereas an Action of Battery was brought by one *Richard Legge* againſt *Robert Hoblins*, to which the ſaid *Hoblins* pleaded Juſtification *de ſon aſſault de meſme*, and the ſaid Cauſe came to Tryal at the Aſſizes holden for the County of *Glouceſter* in Summer, *An.* 1636. before the ſaid Sir *Humphrey Davenport*, then one of the Juſtices of Aſſize, and *Niſi prius* for that County: At the ſaid Tryal the ſaid *Robert Hoblins* did begin to make proof of his ſaid Juſtification, and produced one *Robert Tilly* a Witneſs in the Cauſe, who proved upon Oath, that the ſaid *Richard Legge* did make the firſt Aſſault upon the ſaid *Robert Hoblins*, and that the occaſion thereof was, that the ſaid *Richard Legge*, and others, came upon the Lands then in Poſſeſſion of the ſaid *Hoblins*, and did take and drive away eighteen Cows of the ſaid *Hoblins*, pretending they had a Warrant from the Sheriff to diſtrain the ſame for forty Shillings aſſeſſed upon the ſaid *Hoblins*, for Ship-Money: And when the ſaid *Hoblins* (being preſent) endeavoured to hinder the ſaid *Legge*, and others, from taking away his ſaid Cattel, the ſaid *Legge* ſtrook the ſaid *Hoblins* with a Staff, who after defended himſelf: That upon the opening of the Matter the ſaid Sir *Humphrey Davenport*, would not ſuffer the ſaid *Hoblins* to produce any more Witneſſes on his behalf (though the ſaid *Hoblins* deſired that other of his Witneſſes then preſent, and ſworn, might be heard) nor his Councel to ſpeak for him; but being informed that the ſaid *Hoblins* (when Ship-Money was demanded of him) anſwered, that he would not pay the ſame, becauſe it was not granted by Parliament, the ſaid Sir *Humphrey Davenport* did then (openly in the hearing of a great number of His Majeſties Liege People then aſſembled, and attending the Court) in great Paſſion reprove the ſaid *Hoblins*, and told him that the King was not to call a Parliament to give him ſatisfaction; and did then and there alſo falſly and of purpoſe, to prevent His Majeſties loving Subjects from the due and ordinary courſe of Law, and contrary to his Oath, and the Laws of the Realm, Publiſh, Declare, and affirm, that it was adjudged by all the Judges of *England*, that Ship-money was due to the King, and directed the Jury Sworn in that cauſe, to find a Verdict for the ſaid *Richard Legge*: And the ſaid Jury did accordingly, and gave him twenty Pound damages. And the ſaid *Humphrey Davenport* did then alſo, without any cauſe, Impriſon the ſaid *Robert Hoblins*, and bound him to the good behaviour.

That whereas in the Month of *April*, *Decimo ſexto Caroli*, the Officers of the Cuſtom-Houſe having Seized a Ship of one *Samuel Warner*, Laden with Tobacco, being the Goods of the ſaid *Warner*, the Bulk of the ſaid Ship not being broken, and no Information Exhibited for the King, according to the courſe of the Exchequer for any Duty, the Barons were moved, that the ſaid Ship might be reſtored to the Proprietors, giving ſecurity to pay ſuch duties as did belong to the King; but upon the allegation of the Kings Attorney, that there needed no information, becauſe there was no penalty, the ſaid Sir *Humphrey Davenport*, being then Lord Chief Baron of His Majeſties Court of Exchequer, together with the reſt of the then Barons of the ſaid Court, did (contrary to his Oath, and contrary to the Laws of this Realm) deny the reſtitution of the ſaid Ship, unleſs all the duties demanded by the Farmers of the Cuſtom-Houſe, were firſt paid.

Hereupon the ſaid *Warner* brought an Action of *Trover* in the Office of Pleas in the Exchequer againſt the ſaid Officers that Seized his Ship and Goods: Whereupon the Kings Attorney General exhibited an Information by *Engliſh* Bill in the Exchequer Chamber againſt the ſaid *Warner*; ſetting forth, that Cuſtoms and Subſidies upon Merchandiſe, were a great part of the Kings Revenue, and payable to him: And that the ſaid Ship was Seized for non-payment of the aforeſaid duties; notwithſtanding the ſaid *Warner*, then Proprietor, Proſecuted the Officers upon a Suit at Law, and prayes that he may anſwer the ſaid Information before any further proceedings be had at Law.

Thereupon the ſaid Sir *Humphrey Davenport* together with the reſt of the then Barons of the ſaid Court of Exchequer, ordered that the Proprietor moving for the delivery of the ſaid Goods, ſhould firſt anſwer to the Information: after which the ſaid *Warner* demurred to the ſaid Information, in regard no Title for any certain duty was ſet forth by the Information, which demurrer yet remains not over-ruled; but the ſaid Sir *Humphrey Davenport*, with the ſaid other Barons, without over-ruling the demurrer, Ordered, becauſe *Warner* had put in a demurrer and not anſwered to the ſaid Information, that he ſhould not proceed upon the Action of *Trover*. The Proprietor being thus prevented of his remedy by Action at Law, ſued forth a *Replevin*, and upon pretence of viewing the ſaid Goods, cauſed them to be brought forth of a Cellar, hired by a Deputy to the Farmers to that uſe; and being brought forth, they were taken by the Sheriffs of *London*, by vertue of the ſaid *Replevin*; and upon Oath made of the manner of the taking, as aforeſaid, before the Barons, and upon view of the Preſident, Inrolls the Caſe; the ſaid Sir *Humphrey Davenport*, with the ſaid other Barons, adjudged, that the ſaid Goods were not Repleviſable, and granted an Injunction to maintain Poſſeſſion of them as they were before.

And the ſaid Houſe of Commons by Proteſtation, ſaving to themſelves only the Liberties of Exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir *Humphrey Davenport*, and alſo of replying to the anſwer that he the ſaid Sir *Humphrey Davenport*, ſhall make unto the ſaid Articles, or any of them, or of offering proof of the Premiſſes, or any of their Impeachments, or Accuſations, that ſhall be Exhibited by them, as the Caſe ſhall (according to the courſe of Parliaments) require, do pray that the ſaid Sir *Humphrey Davenport*, Lord Chief Baron of His Majeſties Court of Exchequer, may be put to anſwer to all and every the Premiſſes; and that ſuch Proceedings, Examinations, Tryals, and Judgments may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

The ARTICLES againſt Mr. Juſtice *Trevor* were as followeth.

Articles

July, 1641.

Articles of the Houſe of Commons, in the Name of themſelves, and of all the Commons of England, *againſt Sir* Thomas Trevor *Knight, one of the Barons of His Majeſties Court of Exchequer, Impeaching him as followeth.*

1. THat in or about *November* 4. *Car.* divers Goods and Merchandiſes whereof (*John Rolls*, *George Moore*, and other Merchants of *London* were Proprietors) being Seized and conveyed into certain Store-Houſes at the Cuſtom-Houſe, by Sir *John Worſtenham*, *Abraham Dawes*, and other the Farmers and Officers of the Cuſtoms, aud by them there detained, becauſe the ſaid Proprietors refuſed to pay the Subſidy of *Tonnage* and *Poundage*, pretended to be due, and demanded by the ſaid Farmers and Officers on His Majeſties behalf for the ſaid Merchandiſes, whereas no ſuch Subſidy or Duty of *Tonnage* or *Poundage* was due or payable for the ſame, no Subſidy of *Tonnage* and *Poundage* having been granted by Parliament to His Majeſty. The ſaid *John Rolls* and others the Proprietors of the ſaid Goods, having by reaſon of ſuch unlawful Seizure and Detainer, as aforeſaid, Sued forth one or more Writ or Writs of Replevin, directed to the Sheriffs of *London* (being the proper remedy provided by the Law to regain the Poſſeſſion of Goods taken and with-held from the Owners contrary to Law) the ſaid Sir *Thomas Trevor* Knight, then, and yet one of the Barons of His Majeſties ſaid Court of Exchequer, together with the reſt of the then Barons of the ſaid Court, upon Information to them given, That the ſaid Proprietors, or ſome of them, had Sued forth, and did Proſecute ſuch Writ or Writs of Replevin, for the delivery of the ſaid Goods, did order an Injunction under Seal of the ſaid Court to Iſſue forth, directed to the Sheriffs of *London*, commanding them thereby not to Execute the ſaid Writ or Writs of Replevin, or any like Writ thereafter to be Sued forth by any Perſon or Perſons for the delivery of any Goods in the like nature detained: And it did declare and order publickly in the ſaid Court of Exchequer, that the ſaid Goods by Law were not Repleviſable ; alledging for cauſe, that the ſaid Goods were in the Kings own Poſſeſſion, whereas the ſame did not judicially appear to them, and they did well know, that the ſaid Goods were at that time in the Poſſeſſion of the Farmers and Leſſees of the ſaid Cuſtoms, and no Lawful cauſe to them appearing or ſuggeſted of the taking and detaining of the ſaid Goods: which Injunctions and Declaration ſo granted and made, were and are againſt the Laws of this Realm, and in ſubverſion of the common right and remedy of the Subject for regaining the Poſſeſſion of his Goods, being taken and with-holden from him without Lawful cauſe.

That the Sheriffs of *London* for the time being ſerved with the ſaid injunction, did forbear to execute the ſaid Writ or Writs of Replevin : by means whereof the ſaid Goods continued ſo detained as aforeſaid, contrary to Law, from the Month of *November*, till the Month of *June* following.

That the ſaid Sir *Thomas Trevor* , and other the Barons aforeſaid, knowing the ſaid Goods to be unlawfully Seized and Detained , for the pretended Duties and Subſidy of *Tonnage* and *Poundage*, whereas no ſuch were payable by Law, did from time to time delay the reſpective Proprietors from having reſtitution of their ſaid Goods, being often in Court moved therein, with intention thereby to force the Proprietors (by wanting their Goods and the uſe thereof) to pay all ſuch Summs as the ſaid Officers of the Cuſtoms pretended to be due to His Majeſty.

That to the end aforeſaid, the ſaid Sir *Thomas Trevor*, and the ſaid other Barons refuſed to accept of any Security to be given by the ſaid Proprietors upon reſtitution had of their Goods, for payment of all ſuch Duties as ſhould be made appear to be made payable to His Majeſty in ſuch manner as the ſaid Barons ſhould direct. That the ſaid Sir *Thomas Trevor*, and other the Barons aforeſaid, knowing that the ſaid Summs demanded on His Majeſties behalf, by the ſaid Officers of the Cuſtoms, not to be due by Law, did refuſe to order reſtitution of any part of thoſe Goods (ſo detained as aforeſaid) to the Proprietors thereof, unleſs the ſaid Proprietors would depoſite all ſuch Summs of Money as the ſaid Officers reſpectively demanded of them for pretended Duties to His Majeſty ; and the ſaid Proprietors refuſing to depoſite the ſaid Summs demanded, the ſaid Sir *Thomas Trevor*, and other the Barons aforeſaid, did order the ſaid Officers

July, 1641.

Officers to detain double the value of the Summs by them demanded for pretended Duties to His Majeſty, and to reſtore the reſidue: the ſaid Sir *Thomas Trevor*, and other the ſaid Barons, then knowing that the pretended Summs demanded by the ſaid Officers, were not by Law due or payable to His Majeſty.

2. That in or about *January* 4. *Car.* The ſaid Officers having Seized ſeveral Merchandiſes of the Goods of *Richard Chambers* Merchant, upon the pretences aforeſaid did detain the ſame; and the ſaid *Chambers* Proſecuting by plaint to have his ſaid Goods Replevied, the ſaid Sir *Thomas Trevor*, together with the ſaid other Barons, did in like manner, in the ſaid Court of Exchequer, declare the ſaid *Chambers* his Goods not to be Repleviſable, and enjoyned the Sheriffs of *London* to proceed no further therein, no cauſe to them appearing of ſuch Seizure or Detainer. And the ſaid Sir *Thomas Trevor*, and other the Barons of the ſaid Court, refuſed to order the delivery of the ſaid *Chambers* his Goods, upon good ſecurity offered by him to pay all ſuch Summs as ſhould be made appear to be due, and for which the ſaid Goods were pretended to be detained; and the ſaid Barons being often moved in Court, therein, did refuſe to order reſtitution of any part of the ſaid *Chamber*'s Goods, until the 23. of *November* 5 *Carol.* and then ordered that the ſaid Officers ſhould detain in their hands double the value of the Summs by them demanded, and reſtitution of the reſidue to be made to the ſaid *Chambers*, no cauſe of detaining any part of the ſaid Goods to them in any wiſe appearing.

3. That whereas in the Month of *October*, in the fourth year of His ſaid Majeſtie's Reign, the Farmers and Officers of the Cuſtom-Houſe having Seized great quantities of Currants, being the Goods of *Samuel Vaſſall* Merchant, and having conveyed them into certain Store-Houſes at the Cuſtom-Houſe, and detained them, becauſe the ſaid *Samuel Vaſſall* refuſed to pay an Impoſition of five Shillings ſix Pence upon every Hundred weight of the ſaid Currants pretended to be due, and demanded by the ſaid Farmers and Officers on His Majeſties behalf for the ſaid Currants; whereas no ſuch Impoſition was due or payable for the ſame, but the ſaid Impoſition was and is againſt the Laws of this Realm.

And whereas alſo in *Michaelmas* Term, in the ſaid fourth year of His Majeſties Reign, His Majeſties then Attorney General exhibited an Information by *Engliſh* Bill in the Exchequer-Chamber againſt the ſaid *Samuel Vaſſall*, ſetting forth that King *James* by his Letters Patents Dated the third of *November* in the ſecond year of His Reign, did command that the ſaid Impoſition of five Shillings ſix Pence upon every Hundred Weight of Currants ſhould be demanded and received: And that His Majeſty that now is, by His Letters Patents Dated the ſix and twentieth Day of *July* in the ſecond year of His Reign, did, by Advice of his Privy Council, declare His Will and Pleaſure to be, that Subſidies, Cuſtoms, and Impoſts ſhould be Levied in ſuch manner, as they were Levied in the time of King *James*; and the ſame, and the Farmers to continue until it might receive a ſetling by Parliament, and commanded the Levying and receiving the ſame accordingly: and that the ſaid *Samuel Vaſſall* before the firſt Day of *October* then laſt paſt before the ſaid Information Exhibited, did bring into the Port of *London* in Ships, four thouſand ſix hundred thirty eight hundred weight of Currants, and that *Richard Carmarthen*, Surveyor in the ſaid Port of *London*, the ſaid firſt day of *October* demanded of the ſaid *Samuel Vaſſall* the ſaid Impoſition of five Shillings ſix Pence for every Hundred weight of the ſaid Currants, and that the ſaid *Samuel Vaſſall* refuſed to pay the ſaid Impoſition and unjuſtly detained it from the King. To which Information the ſaid *Samuel Vaſſal* appeared, and Pleaded the Statute of *Magna Charta*, and the Statute *De tallagio non concedendo*, and that he was a Subject Born under the King's Allegiance, and a Merchant of *London* uſing that Trade, and that the ſaid Summ of five Shillings ſix Pence upon every Hundred weight of Currants, was and is *malum tolnetum*, and not *antiqua ſeu recta conſuetudo*, and that it was impoſed without aſſent of Parliament. To which Plea the ſaid Attorney General demurred in Law, and the ſaid *Samuel Vaſſall* joyned in demurrer with him.

July, 1641.

That he the ſaid Sir *Thomas Trevor*, being then and yet one of the Barons of His Majeſties Court of Exchequer, together with the reſt of the then Barons of the ſaid Court, knowing the ſaid Currants to be unlawfully Seized and detained for the pretended Duty of five Shillings ſix Pence Impoſition upon every Hundred weight of the ſaid Currants (whereas no ſuch Impoſition was payable by Law) did from time to time delay the ſaid *Samuel Vaſſall* from having reſtitution of his ſaid Goods, being often in Court moved therein, with intention thereby to enforce the ſaid *Samuel Vaſſall* (by wanting the ſaid Goods, and the uſe thereof) to pay all ſuch Summs as the ſaid Officers of the Cuſtoms pretended to be due to His Majeſty, and Impriſoned the ſaid *Samuel Vaſſall*, becauſe he refuſed to pay ſuch Summs of Money, as were demanded of him for the ſaid unlawful Impoſition, and that in *Trinity* Term in the ſixth year of His Majeſties Reign, the ſaid caſe coming to be argued in open Court upon the demurrer, the ſaid Sir *Thomas Trevor*, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoveriſhment of the ſaid *Samuel Vaſſall*, did (together with the reſt of the then Barons of the ſaid Court of Exchequer) give his Opinion and Judgment upon the ſaid Information for the King, and againſt the ſaid *Samuel Vaſſall*, and by ſeveral Orders for that purpoſe, did continue the poſſeſſion of the ſaid Goods in the King; and the ſaid *Samuel Vaſſall* could never obtain any reſtitution at all of the ſaid Currants.

4. Whereas it was commanded to the Sheriff of the County of *York*, by Writ under the Seal of His Majeſties Court of Exchequer, Dated the ſixteenth Day of *May*, in the ſeventh year of His Majeſties Reign that now is, That he ſhould diſtrain *James Maleverer*, Eſquire, to appear before the Barons of His Majeſties ſaid Court of Exchequer, in the Octaves of the Holy Trinity then next following, to make fine to the King for his Treſpaſs and Contempt in not coming to the preſence of the King before the 31. Day of *January* in the firſt year of His ſaid Majeſties Reign, to take upon him the Order of Knighthood, according to the Form of a Proclamation in that behalf formerly made: at which day of the ſaid Octaves of the Holy Trinity, the ſaid *James Maleverer* did appear, and Pleaded to the ſaid Writ, that although His ſaid Majeſty the ſaid 31. Day of *January*, and for three days next before the ſaid 31. Day of *January*, was reſident and remaining at His Palace at *White-Hall* in the County of Middleſex, and that the ſaid *James Maleverer* the ſaid 31. Day of *January*, and three days next before the ſaid one and thirtieth Day of *January*, was reſident and remaining at *Ancliffe* in the ſaid County of *York*, which is diſtant from the ſaid Palace of *White-Hall* the ſpace of one hundred and four-ſcore Miles; and that the ſaid *James Maleverer* the ſaid one and thirtieth Day of *January* aforeſaid, or at any time before, had no Lands or Rents in his own hands, or in the hands of Feoffees to his uſes, out of the ſaid County of *York*; and that that part of the ſaid County of *York*, which is neareſt to the ſaid Palace of *White-Hall*, the ſpace of one hundred and thirty Miles; and that no Proclamation, by vertue of any Writ or Proclamation, for the appearance of any Perſons whatſoever, to take the ſaid Order of Knighthood, was made in any part of the ſaid County of *York* before the thirtieth Day of *January* in the ſaid firſt year of His Majeſties Reign, by reaſon whereof the ſaid *James Maleverer* could not perſonally come to the preſence of His ſaid Majeſty, to take the ſaid Order of Knighthood before the ſaid one and thirtieth Day of *January* in the ſaid firſt year of His ſaid Majeſties Reign: yet the ſaid *James Maleverer* for his Fine in the Premiſſes, did humbly ſubmit himſelf to the ſaid Court, and demanded to be diſcharged of the ſaid Iſſues, returned and impoſed upon him by reaſon of the Premiſſes; yet notwithſtanding the ſaid Plea and Submiſſion of the ſaid *James Maleverer*, and after the ſame was made as aforeſaid, and entred upon Record in His Majeſties ſaid Court of Exchequer, and the ſaid Court moved for ſtay of the Proceſs, and diſcharge of the Iſſues, the ſaid *Sir Thomas Trevor*, being then one of the Barons of the ſaid Court of Exchequer, contrary to his Oath, and contrary to the Laws of this Realm, and to the great Impoveriſhing the of ſaid *James Maleverer*, did (together with the reſt of the then Barons of the ſaid Court) refuſe to Impoſe any Fine whatſoever upon

on the ſaid *James Malverer*, and told him that the ſaid Court had no Power to Fine him, and that the muſt Compound with certain Commiſſioners for that purpoſe appointed. And did farther order and direct ſeveral other Writs of *Diſtringas*, to Iſſue forth of His Majeſtie's ſaid Court of Exchequer, under the Seal of the ſaid Court, directed to the ſeveral High Sheriffs of the ſaid County of *York*; whereby the ſaid Sheriffs were commanded further to diſtrain the ſaid *James Maleverer* to appear as aforeſaid; upon which ſaid Writs of *Diſtringas*, ſeveral great and exceſſive Iſſues were returned upon the Lands of the ſaid *James Maleverer*, amounting to the Summ of two thouſand Pounds, or thereabouts; a great part whereof, the ſaid *James Maleverer* was enforced to pay; and in like manner the ſaid Sir *Thomas Trevor* (together with the reſt of the then Barons of the ſaid Court of Exchequer) did order and direct ſuch and the like unjuſt and undue proceedings; and the ſaid proceedings were had and made accordingly againſt *Thomas Moyſer* Eſquire, and againſt ſeveral other Perſons His Majeſties Subjects in ſeveral parts of this Realm, to the utter undoing of many of them.

5. That he the ſaid Sir *Thomas Trevor* about the Month of *November Anno Domini* 1635. then being one of the Barons of His Majeſties Court of Exchequer, and having taken an Oath for the due Adminiſtration of Juſtice to His Majeſties Liege People, according to the Laws and Statutes of this Realm, ſubſcribed his Name to an Opinion *in hæc verba*: I am of Opinion, &c. *ut ſuprà* in Baron *Davenport*'s *Charge*.

6. That in or about the Month of *February*, *Anno Dom.* 1636. the ſaid Sir *Thomas Trevor* (being then one of the Barons of the ſaid Court of Exchequer) ſubſcribed an Extrajudicial Opinion, in anſwer to Queſtions in a Letter from his Majeſty, *in hæc verba.*

" *Charles R.* When the Good and Safety of the Kingdom in general is Con-
" cerned, &c. *ut ſuprà*, Subſcribed *ut prius*.

7. That the ſaid Sir *Thomas Trevor* (being then one of the Barons of his Majeſties Court of Exchequer) did deliver his Opinion and Judgment in the Exchequer-Chamber againſt *John Hampden* Eſq; in the Caſe of Ship-Money, *That he the ſaid* John Hampden *upon the matter and ſubſtance of the Caſe was chargeable with the Money then in queſtion*: a Copy of which Proceedings and Judgment the Commons in this preſent Parliament have already delivered to your Lordſhips.

8. That whereas in the Month of *April*, 16 *Caroli*, the Officers of the Cuſtome-Houſe having ſeiſed a Ship of one *Samuel Warners*, laden with Tobacco, being the Goods of the ſaid *Warner*, the Bulk of the ſaid Ship not being broken, and no Information exhibited for the King, according to the courſe of the Exchequer for any Duty, the Barons were moved that the ſaid Ship might be reſtored to the Proprietor, giving Security to pay ſuch Duties as did belong to the King: But upon the Allegation of the King's Attorney, that there needed no Information, becauſe there was no Penalty, the ſaid Sir *Thomas Trevor* (being then one of the Barons of His Majeſties Court of Exchequer, together with the reſt of the then Barons of the ſaid Court) did (contrary to his Oath, and contrary to the Laws of this Realm) deny the reſtitution of the ſaid Ship, unleſs all the Duties demanded by the Farmers of the Cuſtom-Houſe were firſt paid. Hereupon the ſaid *Warner* brought an Action of Trover upon the Caſe, in the Office of Pleas in the Exchequer, againſt the ſaid Officers that ſeized his Ship and Goods; whereupon the King's Attorney General exhibited an Information by *Engliſh* Bill in the Exchequer Chamber, againſt the ſaid *Warner*, ſetting forth that Cuſtoms and Subſidies upon Merchandize, were a great part of the King's Revenue, and payable to him; and that the ſaid Ship was ſeized for non-payment of the aforeſaid Duties. Notwithſtanding the ſaid *Warner* the Proprietor proſecuted the Officers upon a Suit at Law, and prays that he may Anſwer the ſaid Information before any further Proceedings be had at Law. Thereupon the ſaid Sir *Thomas Trevor*, together with the reſt of the then Barons of

the ſaid Court of Exchequer, ordered that the Proprietor moving for delivery of his ſaid Goods, ſhould firſt anſwer to the Information: after which the ſaid *Warner* demurred to the ſaid Information, in regard no Title for any certain Duty was ſet forth by the Information; which Demurrer yet remains not over-ruled: But the ſaid Sir *Thomas Trevor* (with the ſaid other Barons) without over-ruling the Demurrer, ordered (becauſe *Warner* had put in a Demurrer, and not anſwered to the ſaid Information) that he ſhould not proceed upon the Action of Trover. The Proprietor being thus prevented of his remedy by Action at Law, ſued forth a Replevin, and (upon Pretence of viewing the ſaid Goods) cauſed them to be brought forth of a Cellar, hired by a Deputy of the Farmers to that uſe: and being brought forth, they were taken by the Sheriffs of *London*, by vertue of the ſaid Replevin; and upon Oath made of the manner of the taking, as aforeſaid, before the Barons, and upon view of the Preſident, in *Rolls* his Caſe; the ſaid Sir *Thomas Trevor*, with the ſaid other Barons, adjudged that the ſaid Goods were not repleviſable, and granted an Injunction to maintain the Poſſeſſion of them, as they were before.

And the ſaid Houſe of Commons by Proteſtation ſaving to themſelves only the Liberties of Exhibiting, at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir *Thomas Trevor*, and alſo of replying to the Anſwer that he the ſaid Sir *Thomas Trevor* ſhall make unto the ſaid Articles, or any of them, or of offering proof of the Premiſſes, *&c.*

The Articles againſt Mr. Baron *Weſton* were theſe:

Articles of Impeachment againſt Baron *Weſton July* 6. 1641.

Articles of the Houſe of Commons, in the name of themſelves, and all the Commons of England, *againſt Sir* Richard Weſton *Knight, one of the Barons of His Majeſties Court of Exchequer, Impeaching him as followeth.*

1. That the ſaid Sir *Richard Weſton* about the Month of *November*, *Anno Domini 1635.* Then being one of the Barons of His Majeſties Court of Exchequer, and having taken an Oath for the due adminiſtration of Juſtice to His Majeſties Liege People, according to the Laws and Statutes of this Realm, ſubſcribed his name to an Opinion *in hæc verba*: I am of Opinion, &c. *ut ſuprà* in Sir *Robert Berkley's Charge.*

2. That in or about the Month of *February Anno Dom.* 1636. the ſaid Sir *Richard Weſton* (being then one of the Barons of the ſaid Court of Exchequer) ſubſcribed an extrajudicial Opinion, in anſwer to Queſtions in a Letter from His Majeſty, *in hæc verba.*

Charles R. When the good and ſafety of the Kingdom in general is concerned, &c. *ut ſupra.*

3. That the ſaid Sir *Richard Weſton* (being then one of the Barons of His Majeſties Court of Exchequer) did deliver his Opinion and Judgment in the Exchequer-Chamber againſt *John Hampden* Eſquire in the Caſe of Ship-money, That he the ſaid *John Hampden* &c. as in Judge *Crawley's Charge.*

4. That whereas in the Month of *April* 16. *Caroli* the Officers of the Cuſtom-Houſe having Seized a Ship of one *Sam. Warners*, Laden with Tobacco, being the Goods of the ſaid *Warner*, the Bulk of the ſaid Ship not being broken, and no information Exhibited for the King, according to the courſe of the Exchequer for any duty, the Barons were moved that the ſaid Ship might be reſtored to the Proprietors, giving Security to pay ſuch Duties as did belong to the King: But upon the allegation of the Kings Attorney, that there needed no information, becauſe there was no Penalty, the ſaid Sir *Richard Weſton* (being then one of the Barons of His Majeſties Court of Exchequer, together with the reſt of the then Barons of the ſaid Court) did (contrary to his Oath, and contrary to the Laws of this Realm) deny the reſtitution of the ſaid Ship, unleſs all the Duties demanded by the Farmers of the Cuſtom-Houſe were firſt paid. Hereupon the ſaid *Warner* brought an Action of Trover upon the Caſe in the Office of Pleas in the Exchequer, againſt the ſaid Officer

that Seized his Ship and Goods; whereupon the Kings Attorney General exhibited an information by *Engliſh* Bill in the Exchequer-Chamber againſt the ſaid *Warner*, ſetting forth, the Cuſtoms and Subſidies upon Merchandiſe were a great part of the Kings Revenue, and payable to him; and that the ſaid Ship was Seized for non-payment of the aforeſaid Duties. Notwithſtanding the ſaid *Warner* the Proprietor Proſecuted the Officers upon a Suit at Law, and prayes that he may anſwer the ſaid Information before any further proceedings be had at Law. Thereupon the ſaid Sir *Richard Weſton*, together with the reſt of the then Barons of the ſaid Court of Exchequer; ordered that the Proprietor moving for delivery of his ſaid Goods, ſhould firſt anſwer to the Information: after which the ſaid *Warner* dumurred to the ſaid Information, in regard no Title for any certain duty was ſet forth by the Information; which demurrer yet remains not over-ruled: But the ſaid Sir *Richard Weſton* (with the ſaid other Barons) without over-ruling the demurrer, ordered (becauſe *Warner* had put in a demurrer, and not anſwered to the ſaid Information) that he ſhould not proceed upon the Action of Trover. The Proprietor being thus prevented of his remedy by Action at Law, ſued forth a Replevin, and (upon pretence of viewing the ſaid goods) cauſed them to be brought forth of a Cellar hired by a Deputy to the Farmers to that Uſe: and being brought forth, they were taken by the Sheriffs of *London* by vertue of the ſaid Replevin; and upon Oath made of the manner of the taking as aforeſaid before the Barons, and upon view of the Preſident in *Rolls* his Caſe: the ſaid Sir *Richard Weſton* with the ſaid other Barons, adjudged that the ſaid Goods were not repleviſable, and granted an injunction to maintain the poſſeſſion of them as they were before.

And the ſaid Houſe of Commons by Proteſtation ſaving to themſelves only the Liberties of Exhibiting, at any time hereafter any other Accuſation or Impeachment againſt the ſaid Sir *Richard Weſton*, and alſo of replying to the anſwer &c.

Upon the Impeachment of Mr. Juſtice *Crawley*, Mr. *Waller* ſpoke as followeth:

Mr. *Waller*'s Speech at the Impeachment of Mr. Juſtice *Crawley, July* 6. 1641.

My Lords,

“I Am Commanded by the Houſe of Commons, to preſent you with “theſe Articles againſt Maſter Juſtice *Crawley*, which when your “Lordſhips ſhall have been pleaſed to hear read, I ſhall take leave (ac-“cording to Cuſtome) to ſay ſomething of what I have collected from “the Senſe of that Houſe concerning the Crimes therein contained.

Here the Charge was read containing his Extrajudicial Opinions ſubſcribed, and Judgment given for Ship-Money; and afterward a declaration in his Charge at an Aſſize, That Ship-Money was ſo inherent a Right in the Crown, that it would not be in the Power of a Parliament to take it away.

“MY *Lords*, Not only my Wants, but my Affections render me “leſs fit for this Employment: for though it has not been my “happineſs to have the Law a part of my Breeding, there is no man “Honours that Profeſſion more, or has a greater Reverence towards the “grave Judges, the Oracles thereof. Out of Parliament all our Courts “of Juſtice are governed or directed by them; and when a Parliament “is call'd, if your Lordſhips were not aſſiſted by them, and the Houſe “of Commons by other Gentlemen of that Robe; Experience tells us “it might run a hazard of being ſtyled, *Parliamentum indoctorum*. But “as all Profeſſions are obnoxious to the Malice of the Profeſſours and by “them moſt eaſily betrayed, ſo (*my Lords*) theſe Articles have told you “how theſe Brothers of the Coyf are become *fratres in malo*; how theſe “Sons of the Law have torn out the Bowels of their Mother: But this

“ Judge (whoſe Charge you laſt heard) in one Expreſſion of his excells
“ no leſs his Fellows, then they have done the worſt of their Predeceſſors,
“ in this Conſpiracy againſt the Common-wealth. Of the Judgment
“ for Ship-Money, and thoſe Extrajudicial Opinions preceding the ſame
“ (wherein they are joyntly concerned) you have already heard; how
“ unjuſt and pernicious a proceeding that was in ſo publick a Cauſe, has
“ been ſufficiently expreſſed to your Lordſhips: But this Man, adding
“ Deſpair to our Miſery, tells us from the Bench, *That Ship-Money was a*
“ *Right ſo inherent in the Crown, that it would not be in the power of an*
“ *Act of Parliament to take it away.* Herein (*my Lords*) he did not
“ only give as deep a Wound to the Common-wealth as any of the reſt,
“ but dipt his dart in ſuch a poyſon, that ſo far as in him lay it might
“ never receive a cure. As by thoſe abortive Opinions ſubſcribing to
“ the Subverſion of our Propriety, before he heard what could be ſaid
“ for it, he prevented his own, ſo by this declaration of his, he endeavours
“ to prevent the Judgment of your Lordſhips too, and to confine
“ the power of a Parliament, the only place where this Miſchief
“ might be redreſt: Sure he is more Wiſe and Learned, than to believe
“ himſelf in this Opinion, or not to know how ridiculous it would appear
“ to a Parliament, and how dangerous to himſelf; and therefore no
“ doubt but by ſaying *no Parliament could aboliſh this Judgment*, his
“ meaning was, That this Judgment had aboliſh't Parliaments.

“ This Impoſition of Ship-Money ſpringing from a pretended neceſſity,
“ was it not enough that it was now grown annual, but he muſt
“ intail it upon the State for ever, at once making Neceſſity inherent to
“ the Crown, and ſlavery to the Subject? Neceſſity, which diſſolving
“ all Law, is ſo much more prejudicial to his Majeſty, than to any of us,
“ by how much the Law has inveſted his Royal State with a greater
“ power, and ampler fortune; for ſo undoubted a truth it has ever
“ been, that Kings as well as Subjects are involved in the confuſion which
“ neceſſity produces, that the Heathen thought their Gods alſo obliged
“ by the ſame, *Pareamus neceſſitati, quam nec homines nec Dii ſuperant:*
“ This Judge then having in his Charge at the *Aſſize* declared the diſſolution
“ of the Law by this ſuppoſed Neceſſity, with what Conſcience could
“ he at the ſame *Aſſize* proceed to condemn and puniſh men, unleſs perhaps
“ he meant the Law was ſtill in force for our deſtruction, and not for
“ our preſervation, that it ſhould have power to kill, but none to protect
“ us, a thing no leſs horrid then if the Sun ſhould burn without lighting
“ us, or the Earth ſerve only to bury, and not to feed and nouriſh
“ us. But (*my Lords*) to demonſtrate that this was a ſuppoſititious impoſed
“ neceſſity, and ſuch as they could remove when they pleaſed, at
“ the laſt Convention in Parliament, a price was ſet upon it, *For Twelve*
“ *Subſidies you ſhall reverſe this Sentence*; It may be ſaid that ſo much
“ Money would have removed the preſent neceſſity, but here was a Rate
“ ſet upon future neceſſity, *For Twelve Subſidies you ſhall never ſuffer*
“ *neceſſity again, you ſhall for ever aboliſh that Judgment*; Here this
“ myſtery is revealed, this viſour of neceſſity is pulled off, and now it appears
“ that this Parliament of Judges had very frankly and bountifully
“ preſented his Majeſty with Twelve Subſidies to be levyed on your
“ Lordſhips, and the Commons: Certainly there is no Priviledg which
“ more properly belongs to a Parliament, then to open the Purſe of the
“ Subject; and yet theſe Judges, who are neither capable of Sitting
“ among us in the Houſe of Commons, nor with your Lordſhips, other-

“ wiſe

July,
1641.

“ wiſe then as your aſſiſtants, have not only aſſumed to themſelves this
“ priviledg of Parliament, but preſumed at once to make a Preſent to
“ the Crown of all that either your *Lordſhips* or the *Commons* of *England*
“ do, or ſhall hereafter poſſeſs.

“ And becauſe this man has had the boldneſs to put the power of Par-
“ liament in ballance with the Opinion of the Judges, I ſhall entreat
“ your *Lordſhips* to obſerve by way of compariſon, the ſolemn and ſafe
“ proceeding of the one, with the precipitate diſpatch of the other: In
“ Parliament (as your *Lordſhips* know well) no new Law can paſs,
“ or old be abrogated, till it has been thrice read with your *Lordſhips*,
“ thrice in the Commons Houſe, and then it receives the Royal Aſſent,
“ ſo that 'tis like Gold ſeven times purified; whereas theſe Judges by
“ this one Reſolution of theirs would perſwade his Majeſty, that by na-
“ ming *Neceſſity*, he might at once diſſolve, at leaſt ſuſpend, the Great
“ Charter, 32 times confirmed by his Royal Progenitors, the *Petition*
“ *of Right*, and all other Laws provided for the maintenance of the
“ Right and Propriety of the Subject: A ſtrange Force, *my Lords*, in the
“ ſound of this word *Neceſſity*, that like a Charm it ſhould ſilence the
“ Laws, while we are deſpoyled of all we have: for that but a part of
“ our Goods was taken,is owing to the Grace and Goodneſs of the King;
“ for ſo much as concerns theſe Judges, we have no more left then they
“ perhaps may deſerve to have, when your *Lordſhips* ſhall have paſſed
“ Judgment upon them. This for the neglect of their Oaths, and be-
“ traying that Publick Truſt, which for the Conſervation of our Laws
“ was repoſed in them.

“ Now for the cruelty and unmercifulneſs of this Judgment: You may
“ pleaſe to remember, that in the Old Law they were forbid to ſeeth a
“ Kid in his Mother's milk; of which the received Interpretation is,
“ That we ſhould not uſe that to the deſtruction of any Creature, which
“ was intended for its preſervation. Now, my Lords, God and Nature
“ have given us the Sea as our beſt guard againſt our Enemies, and our
“ Ships as our greateſt Glory above other Nations; and how barbarouſ-
“ ly would theſe men have let in the Sea upon us, at once to waſh
“ away our Liberties, and to overwhelm, if not our Land, all the Pro-
“ priety we have therein; making the ſupply of our Navy, a pretence
“ for the ruine of our Nation? For obſerve, I beſeech you, the fruit and
“ conſequence of this Judgment, how this mony hath proſpered, how
“ contrary an effect it hath had to the end for which they pretended
“ to take it: On every County a Ship is Annually impoſed, and who
“ would not expect, but our Seas by this time ſhould be covered with
“ the number of our Ships? Alas, my Lords, the daily Complaints of
“ the decay of our Navy tell us how ill Ship-mony hath maintained the
“ Sovereignty of the Sea; and by the many Petitions which we receive
“ from the Wives of thoſe miſerable Captives at *Algier* (being between
“ Four and Five Thouſand of our Countrey-men) it does too evidently
“ appear that to make us ſlaves at home, is not the way to keep us from
“ being made ſlaves abroad; ſo far has this Judgment been from relie-
“ ving the preſent, or preventing the future neceſſity, that as it changed
“ our real Propriety into the ſhadow of a Propriety, ſo of a feigned, it has
“ made a real neceſſity.

“ A little before the approach of the *Gauls* to *Rome*, while the *Ro-*
“ *mans* had yet no apprehenſion of that danger, there was heard a voice
“ in the Air, louder than ordinary, *The* Gauls *are come*; which voice,
“ after

July, 1641.

“ after they had ſack't the City, and beſieged the Capitol, was held ſo ominous, that *Livie* relates it as a Prodigy. This Anticipation of neceſſity ſeems to have been no leſs ominous to us: Theſe Judges, like ill boading Birds have call'd neceſſity upon the State in a time when, I dare ſay, they thought themſelves in greateſt ſecurity; but if it ſeem ſuperſtitious to take this as an Omen, ſure I am, we may look on it as a Cauſe of the unſained neceſſity we now ſuffer, for what regret and diſcontent had this Judgment bred among us? And as when the Noiſe and Tumult in a private houſe grows ſo loud as to be heard into the Streets, it calls in the next Dwellers, either kindly to appeaſe, or to make their own uſe of the Domeſtick ſtrife; ſo in all likelihood our known diſcontents at home have been a concurrent cauſe to invite our Neighbours to viſit us ſo much to the expence and trouble of both theſe Kingdoms.

“ And here, *My Lords*, I cannot but take notice of the moſt ſad effect of this Oppreſſion; the ill influence it has had upon the Ancient Reputation and Valour of the *Engliſh* Nation: And no wonder, for if it be true Oppreſſion makes a Wiſe-man Mad, it may well ſuſpend the courage of the Valiant: The ſame happened to the *Romans* when for renown in Arms they moſt excell'd the reſt of the World; the Story is but ſhort: 'Twas in the time of *Decemviri* (and I think the chief troublers of our State may make up that number:) The *Decemviri*, *My Lords*, had Subverted the Laws, Suſpended the Courts of Juſtice, and (which was the greateſt grievance both to the Nobility and People) had for ſome years omitted to Aſſemble the Senate, which was their Parliament: This, ſays the Hiſtorian, did not only deject the *Romans*, and make them deſpair of their liberty, but cauſed them to be leſs valued by their Neighbours: The *Sabines* take the advantage and invade them; and now the *Decemviri* are forced to call the long deſired Senate, whereof the People were ſo glad, that *Hoſtibus belloque gratiam habuerunt*: This Aſſembly breaks up in diſcontent; nevertheleſs the War proceeds, Forces are raiſed, led by ſome of the *Decemviri*, and with the *Sabines* they meet in the field: I know your Lordſhips expect the Event; my Author's words of his Country-men are theſe, *Ne quid ductu aut auſpicio Decemvirorum proſperè gereretur, vinci ſe patiebantur*, They choſe rather to ſuffer a preſent Diminution of Honour, then by Victory to confirm the Tyranny of their new Maſters. At their return from this unfortunate Expedition, after ſome Diſtempers and Expoſtulations of the People, another Senate, that is a ſecond Parliament, is called, and there the *Decemviri* are queſtioned, deprived of their Authority, impriſoned, baniſhed, and ſome loſe their lives; and ſoon after this Vindication of their Liberties, the *Romans* by their better Succeſs made it appear to the World, that Liberty and Courage dwell always in the ſame Breaſt, and are never to be Divorced.

“ No doubt, *My Lords*, but your Juſtice ſhall have the like effect upon this diſpirited people; 'tis not the Reſtauration of our Ancient Laws alone, but the Reſtitution of our Ancient Courage, which is expected from your Lordſhips: I need not ſay any thing to move your juſt indignation, that this Man ſhould ſo cheaply give away that which your Noble Anceſtors with ſo much Courage, and Induſtry had ſo long maintained: You have often been told how careful they were, though with the hazzard of their Lives and Fortunes, to derive thoſe Rights

July,
1641.

“ and Liberties as entire to Poſterity as they received them from their Fathers; what they did with labour you may do with eaſe, what they did with danger you may do ſecurely, the Foundation of our Laws is not ſhaken with the Engine of War, they are only blaſted with the breath of theſe men, and by our breath may be reſtored.

“ What Judgments your Predeceſſors have given, and what puniſhments their Predeceſſors have ſuffered for offences of this nature, your Lordſhips have already been ſo well informed, that I ſhall not trouble you with the repetition of thoſe Precedents: Only, my Lords, ſomething I ſhall take leave to obſerve of the perſon with whoſe Charge I have preſented you, that you may the leſs doubt of the wilfulneſs of his offence.

“His Education in the Inns of Court, his conſtant practice as a Councellor, and his experience as a Judge (conſidered with the miſchief he has done) makes it appear that this progreſs of his through the Law, hath been like that of a diligent Spie through a Country, into which he meant to conduct an Enemy.

“ To let you ſee he did not offend for company, there is one Crime ſo peculiar to himſelf, and of ſuch malignity, that it makes him at once uncapable of your Lordſhips fav our, and his own ſubſiſtence incompatible with the right and propriety of the Subject: for if you leave him in a capacity of interpreting the Laws, hath he not already declared his opinion, That your Votes and Reſolutions againſt Ship-mony are void, and that it is not in the power of a Parliament to aboliſh that Judgment? To him, *My Lords*, that hath thus plaid with the Power of Parliament, we may well apply what was once ſaid to the Goat browſing on the Vine,

Rode, caper, vitem; tamen hinc cùm ſtabis ad aras
In tua quod fundi cornua poſſit, erit.

“ He hath cropt and infring'd the priviledges of a baniſh'd Parliament, but now it is returned, he may find it has power enough to make a ſacrifice of him, to the better eſtabliſhment of our Laws: And in truth what other ſatisfaction can he make his injur'd Country, then to confirm by his example thoſe Rights and Liberties which he had ruined by his opinion?

“For the proofs, *My Lords*, they are ſo manifeſt, that they will give you little trouble in the diſquiſition; his Crimes are already upon Record, the Delinquent and Witneſs are the ſame; having from ſeveral ſorts of Judicature proclaimed himſelf an Enemy to our Laws and Nation, *Ex ore ſuo judicabitur.* To which purpoſe I am Commanded by the Knights, Citizens and Burgeſſes of the Houſe of Commons, to deſire your Lordſhips that as ſpeedy a proceeding may be had againſt Mr. Juſtice *Crawley* as the Courſe of Parliament will permit.

The Articles againſt Mr. Juſtice Crawley *were theſe.*

July,
1641.

Articles of the Houſe of Commons in the Name of themſelves, and of all the Commons of *England*, againſt Sir *Francis Crawley*, Knight, one of the Juſtices of His Majeſties Court of *Common-Pleas*, impeaching him as followeth.

The Articles of Impeachment againſt Judge *Crawley*.

1. *That he about the Month of* November, Anno 1635. *then being one of the Juſtices of the Court of Common-Pleas, and having taken an Oath for the due Adminiſtartion of Juſtice to His Majeſties Liege People, according to the Laws and Statutes of this Realm, ſubſcribed an Opinion in* hæc verba*: [I am of Opinion, That as where the benefit doth more peculiarly redound to the good of the Ports, or Maritime Parts, (as in Caſe of Piracy or Depredations upon the Seas) there the Charge hath been, and may be lawfully impoſed upon them, according to Preſidents of former Times; ſo where the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, (of which His Majeſty is the only Judge) there the charge of the Defence ought to be born by all the Realm in general: This I hold agreeable both to Law and Reaſon.]*

2. *That he, in or about the Month of* February, Anno 1636. *Then being one of the Juſtices of the ſaid Court of Common-Pleas, ſubſcribed an extrajudicial Opinion, in anſwer to Queſtions in a Letter from His Majeſty*, in hæc verba, ut ſupra *in the Articles againſt Judge* Berkley.

3. *That he then being one of the Juſtices of the ſaid Court of Common-Pleas, delivered an Opinion in the Exchequer Chamber againſt* John Hampden, *Eſquire, in caſe of Ship-Money; that he the ſaid* John Hampden, *upon the matter and ſubſtance of the caſe, was chargable with the Money then in Queſtion (a Copy of which Proceedings and Judgment, the Commons of this preſent Parliament have already delivered to your Lordſhips.)*

4. *That he then being one of the Juſtices of the ſaid Court of Common-Pleas declared and publiſhed in the Exchequer Chamber in* Weſtminſter, *and the Circuit where he went Judge, That the Kings Right to Ship-Money was ſo inherent a Right in the Crown, as an Act of Parliament could not take it away. And with divers malicious Speeches inveighed againſt, threatned and diſcountenanced ſuch as refuſed to pay Ship-Money. All which Opinions and Judgments contained in the firſt, ſecond and third Articles are deſtructive to the Fundamental Laws of this Realm, the Subjects right of Property, and contrary to former Reſolutions in Parliament, and to the Petition of Right, which ſaid Reſolutions and Petitions of Right were well known to him.*

And the ſaid Commons by Proteſtation, ſaving to themſelves only the Liberties of exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir Francis Crawley, *and alſo of replying to the Anſwer, that he the ſaid Sir* Francis Crawley *ſhall make unto the ſaid Articles, or any of them, or of offering Proof of the Premiſſes, or of any of their Impeachments or Accuſations that ſhall be exhibited by them, as the Caſe ſhall according to the Courſe of Parliaments require; Do pray that the ſaid Sir* Francis Crawley, *one of the Juſtices of the ſaid Court of* Common-Pleas, *may be put to anſwer to all and every the Premiſſes; and that*

that ſuch Proceedings, Examinations, Tryals and Judgments, may be upon every one of them had and uſed, as is agreeable to Law and Juſtice.

July, 1641.

The Articles of Impeachment againſt Sir *John Bramſton* Knight, Lord Chief Juſtice of the Court of *Kings-Bench*, were as follow.

The Articles of Impeachment againſt Sir *John Brampſton* Lord Chief Juſtice of the Kings Bench.

Articles of the Houſe of Commons, in the name of themſelves and all the Commons of England, *againſt Sir* John Brampſton *Knight, Lord Chief Juſtice of the Court of Kings Bench, Impeaching him as followeth.*

1. That the ſaid Sir *John Brampſton*, then being Lord Chief Juſtice of the Court of Kings Bench, and having taken an Oath for the due Adminiſtration of Juſtice to His Majeſties Liege People, according to the Laws and Statutes of this Realm, did, on or about the laſt of *November* 1635. Subſcribe his Name to an Opinion, *in hac verba:*

I am of Opinion, that as where the benefit doth more peculiarly redound to the good of the Ports or Maritime parts (as in caſe of Pyracy or Depredations upon the Seas) there the Charge hath been, and may be lawfully Impoſed upon them, according to Preſidents of former times; ſo where the good and ſafety of the Kingdom in General is coned, and the whole Kingdom in danger (of which His Majeſty is the only Judg) there the Charge of the defence ought to be born by all the Realm in General. This I hold agreeable both to Law nnd Reaſon.]

2. That he the ſaid Sir *John Brampſton*, then being Lord Chief Juſtice of the Court of Kings Bench, about the Month of *February* 1635. did Subſcribe an extrajudicial Opinion in anſwer to queſtions in a Letter from His Majeſty *ut ſupra* in the Articles againſt Sir *Robert Berkley*.

Which ſaid Opinions contained in the firſt and ſecond Articles are deſtructive to the Fundamental Laws of this Realm, the Subjects right of Propriety, and contrary to former reſolutions in Parliament, and to the Petition of Right.

3. That he the ſaid *Sir John Brampſton*, then Lord Chief Juſtice of the Court of Kings Bench, about *Trinity* Term 1637. refuſed to Bail or Diſcharge *Alexander Jenings* Priſoner in the Fleet, brought by *Habeas Corpus* to the Barr before him, the return of this Commitment being two ſeveral Warrants from the Lords of the Council, Dated the fifth of *November* 1635. the firſt expreſſing no cauſe, the other for not paying Meſſengers Fees; and until he ſhould bring Certificate that he had paid his Aſſeſment for Ship-money in the County of *Bucks*: And the ſaid Sir *John Brampſton*, the firſt Warrant being only read, then ſaid, *The cauſe of his Commitment did not appear; and that it was not fit for every Goaler to be made acquainted by the Lords of the Council why they Committed, and therefore Remitted him.* And in *Michaelmaſs* Term after, the ſaid *Jenings* being brought by another *Habeas Corpus*, as aforeſaid, and the ſame returned, yet he the ſaid Sir *John Brampſton* refuſed to Diſcharge or Bail him, but remitted him. And in *Eaſter* Term next, after ſeveral Rules for His Majeſties Council to ſhew cauſe why he the ſaid *Jenings* ſhould not be Bailed, a fourth Rule made for the ſaid *Jenings*, to let His Majeſties Attorney have notice, which notice was given accordingly, yet he remitted him. And the ſaid *Jenings* by another *Habeas Corpus* brought to the Barr, as aforeſaid, in *Trinity* Term after, and the ſame return with the addition of a new Commitment of the fourth of *May* 1638. ſuggeſted, that he the ſaid *Jenings* had uſed divers ſcandalous words in derogation and diſparagement of his Majeſties Government: After ſeveral Rules, in the end of the ſaid *Trinity* Term, he again remitted him to Priſon. And he the ſaid Sir *John Brampſton* about the ninth of *July* after, at his Chamber in *Serjeants*-Inn, being deſired by Mr. *Meawtis* one of the Clerks of the Council-Board, to diſcharge the ſaid *Jenings*, for that he the ſaid *Jenings* had entred into a Bond of 1000l. to appear before the Lords of the Council the next *Michaelmas* Term after, and to attend *de die in diem*; yet the ſaid Sir *John Brampſton* refuſed to diſcharge the ſaid *Jenings* until he entred into Recogniſance to appear the next Term, and in the mean time to be of his good behaviour. And the ſaid *Jenings* was continued on his ſaid Re-

cogniſance till *Eaſter* Term after. And the ſaid Sir *John Brampſton* did on the fifth of *June* 1640. deferr to grant His Majeſties Writ of *Habeas Corpus* for *Samuel Danvers* and *William Pargiter* Eſquires, Priſoners in the Gate-Houſe and in the Fleet; and when he had granted the ſaid Writ the ſaid eighth Day of *June* after the return, being the Order of the Council-Table, not expreſſing any cauſe, he the ſaid Sir *John Brampſton* deferred to Bail the ſaid *Pargiter*. And the eighteenth of *June* after, made a Rule for a new return to be received, which was returned the five and twentieth of the ſaid *June*, *in hac verba*.

“ Whereas His Majeſty finding that His Subjects of *Scotland* have in Rebel-
“ lious and Hoſtile manner Aſſembled themſelves together, and intend not on-
“ ly to ſhake off their obedience unto His Majeſty, but alſo as Enemies to In-
“ vade and Infeſt this His Kingdom of *England*, to the danger of His Royal
“ Perſon, *&c.*

For prevention whereof, His Majeſty hath by the Advice of His Council-Board, given ſpecial Commandment to all the Lord Lieutenants of all the Counties of this Realm, with expedition to Arm and Array a certain number of able Men in each County, to be prepared ready to be conducted to ſuch places as ſhould be appointed for their Rendezvouz, in their ſeveral and reſpective Counties, there to be conducted and drawn together in a Body for this Service. And whereas His Majeſty, according to the Laws and Statutes of this Realm, and the conſtant Cuſtom of His Predeceſſors, Kings and Queens of this Realm, hath Power for the defence of this Kingdom, and reſiſting the Force of the Enemies thereof, to grant forth Commiſſions under His great Seal to ſuch fit Perſons as he ſhall make choice of, to Array and Arm the Subjects of this Kingdom, and to compel thoſe who are of able Body, and of able Eſtates, to Arm themſelves; and ſuch as ſhould not be able of Bodies, but of Ability in Eſtate, to Aſſeſs them according to their Eſtates, to contribute towards the charge of Arraying and Arming others able of Body, and not being able in Eſtate to Arm themſelves. And ſuch Perſons as ſhould be contrariant, to commit to Priſon, there to remain untill the King ſhould take further order therein.

And whereas the Earl of *Exceter*, by vertue of His Majeſties Commiſſion to him directed, for the Arraying and Arming of a certain number of Perſons in the County of *Northampton*, hath aſſeſt *William Pargiter*, being a Man unfit of Body for that Service, but being of Eſtate and Ability fit to contribute amongſt others, to pay the Summ of five Shillings towards the Arraying and Arming of others of able Bodies, and wanting Ability to Array themſelves.

And whereas we have received Information from the ſaid Earl, that the ſaid *William Pargiter* hath not only in a willful and diſobedient manner refuſed to pay the ſaid Money aſſeſſed upon him towards ſo Important a Service, to the diſturbance and hinderance of the neceſſary defence of this Kingdom, but alſo by His ill example hath miſled many others, and, as we have juſt cauſe to believe, hath practiſed to ſeduce others from that ready obedience which they owe, and would otherwiſe have yielded to His Majeſties juſt command, for the publick defence of His Perſon and Kingdom; which we purpoſe with all convenient ſpeed to enquire further of and examin.

Theſe are therefore to will and require you, to take into your Cuſtody the Perſon of the ſaid *William Pargiter*, and him ſafely to keep Priſoner, till further Order from this Board, or untill by due Courſe of Law he ſhall be delivered: (And the like return was then made in all things, *mutatis mutandis*, concerning the ſaid *Danvers*, for not paying a Summ of Money aſſeſſed upon him.) Yet he the ſaid Sir *John Brampſton*, deferred to Bail the ſaid *Danvers* and *Pargiter*, but remitted the ſaid *Danvers* to the Fleet, where he remained till the 12 of *July*, 1640. and the ſaid *Pargiter* to the Gate-Houſe, where he remained till the Ninth of *November* laſt; although the ſaid *Jenings*, *Danvers*, and *Pargiter*, upon all and every the ſaid Returns, ought to have been diſcharged or bailed by Law, and the Councel of the ſaid *Jenings*, *Danvers*, and *Pargiter*, offered in Court very ſufficient Bail.

And he the ſaid Sir *John Brampſton*, being Chief Juſtice of the Court of Kings-Bench, denyed to grant His Majeſties Writ of *Habeas Corpus* to very many other His Majeſties Subjects; and when he had granted the ſaid Writs of *Habeas Corpus* to very many others His Majeſties Subjects, and on the return no Cauſe appeared, or ſuch Cauſe only as was clearly bailable by Law; yet he remanded them, where they remained Priſoners very long; which ſaid deferring to grant the ſaid Writs of *Habeas Corpus*, and refuſals, and delays to diſcharge Priſoners, or ſuffer them to be Bailed, contained in this Article, are deſtructive to the Fundamental Laws of this Realm, and contrary to former reſolutions in Parliament, and to the Petition of Right; which ſaid Reſolutions and Petition of Right, were well known to him the ſaid Sir *John Brampſton*.

4. That whereas there was a Cauſe depending in the Court Chriſtian at *Norwich*, between *Samuel Booty* Clerk a just *Collard*, for two Shillings in the Pound for Tythes, for Rents of Houſes in *Norwich*; and the ſaid *Collard*, moved by his Councel in the Court of Kings-Bench, for a Prohibition to ſtay Proceedings in the Court Chriſtian at *Norwich*, and delivered into the ſaid Court of Kings-Bench his Suggeſtions, that the ſaid Cauſe, in the ſaid Court Chriſtian was for Tythes for Rents of Houſes in *Norwich*, which was determinable by the Common Law only; yet he the ſaid Sir *John Brampſton*, being Chief Juſtice of the ſaid Court of Kings-Bench, and ſitting, the ſaid Court deferred to grant a Prohibition to the ſaid Court Chriſtian in the ſaid Cauſe, although the Councel did move in the ſaid Court ſeveral Times, and ſeveral Terms for a Prohibition: And he the ſaid Sir *John Brampſton* deferred to grant His Majeſties Writs of Prohibition to ſeveral Courts, on the Motions of divers others of His Majeſties Subjects where the ſame, by Laws of this Realm ought to have been granted contrary to the Laws of this Realm, and his own knowledg.

And the ſaid Commons by Proteſtation ſaving to themſelves only the Liberties of Exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir *John Brampſton*, and alſo of replying to the Anſwer, that he the ſaid Sir *John Brampſton* ſhall make unto the ſaid Articles, or any of them, or of offering Proofs of the Premiſſes, or any of their Impeachments, or Accuſations that ſhall be exhibited by them, as the Caſe ſhall, according to the Courſe of Parliament require, do pray that the ſaid Sir *John Brampſton* Lord Chief Juſtice of the Court of Kings-Bench, may be put to anſwer to all and every the Premiſſes; and that ſuch Proceedings, Examinations, Tryals and Judgments may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

Mr. *Hollis* alſo, according to the Order of the Houſe of Commons at this Conference, made application to their Lordſhips in the behalf of Sir *Randal Crew* in this manner.

Mr. *Denzil Hollis* his Speech about Sir *Randal Crew, July* 6. 1641.

My Lords,

These Gentlemen have repreſented unto your Lordſhips the ſad object of Juſtice perverted, Liberty oppreſſed, of Judgment turned into Worm-wood; the Laws, which ſhould be the Bars of our Gates, to protect us, keep us, and all that is ours in ſafety, made weak and impotent, to betray us unto the hands of violence, inſtead of Props to ſupport us, become broken Reeds to deceive us, and run into our ſides when we lean upon them, even ſo many ſnares to entrap and entangle us.

And all this by the perfidiouſneſs of thoſe who are entruſted with our Laws, who call themſelves the Guardians, and the Interpreters of the Law; but by their accurſed Gloſſes have confounded the Text, and made it ſpeak another Language, and another Senſe, than ever our Anceſtors, the Law-makers, intended.

Our Anceſtors made Laws to keep themſelves, their poſterity after them in the poſſeſſion of their Eſtates; theſe Judges could make the Law it ſelf rob us and deſpoil us of our Eſtates. Were we invaded and perſecuted at any

July, 1641.

any time for pretended Crimes, or rather becauſe they were free from Crime? And did we put our ſelves upon a legal defence, and ſhelter our ſelves under the Buckler of the Law; uſe thoſe Lawful Weapons which Juſtice and Truth, and the Common Right of the Subject did put into our hands, would this avail us? No, theſe Judges would make the Law wreſt our Weapons from us, diſarm us, take away all our defence, expunge our Anſwers, even bind us hand and foot, and ſo expoſe us naked and bound, to the mercileſneſs of our Oppreſſors; were our Perſons forced and impriſoned by an Act of Power, would the Law relieve us when we appealed unto it? No, it would joyn hands with violence, and add bitterneſs to our ſorrow: theſe Judges would not hear us when we did cry, no importunity could get a Habeas Corpus*: Nay, our cryes would diſpleaſe them, and they would beat us for crying, and over-do the unjuſt Judge in the Goſpel, with whom yet importunity could prevail.*

My Lords, *The Commons of* England *finding themſelves in this lamentable condition, by the wickedneſs of theſe Judges: It is no wonder that we complain of them; it is no wonder if the Knights, Citizens and Burgeſſes Aſſembled in Parliament, have ſent up ſome of their Members to ſtand upon Mount* Ebal *to Curſe theſe Judges; to denounce a Curſe upon them who have removed our Land-marks, have taken away the Boundſtones of the Propriety of the Subject, have left no* Meum & Tuum, *but he that had moſt might, had moſt right, and the Law was ſure to be on his ſide.*

It hath been the part of theſe Gentlemen who have ſpoken before me, to pray for juſtice upon thoſe men, who would not do juſtice to others. My Lords, I come upon another Errand, and yet for juſtice too, for there is juſtice upon Mount Gerezim, *as well as upon Mount* Ebal. *It is as great a point of juſtice to give a bleſſing, a reward where it is due, as puniſhment where puniſhment is due: For reward and puniſhment,* Præmium & pœna, *be the two legs that Juſtice walks on, and reward is her right leg, the more noble and the more glorius Supporter of that Sacred and Divine Body, that which God himſelf the Foundation of Juſtice doth more delight in.*

Tradior ad pœnas Deus eſt, ad præmia velox.

Puniſhment is good, as Phyſick in the Conſequence, Reward as wholeſome and nouriſhing Food, in the Eſſence; the one we do, becauſe we muſt do it as neceſſary; the other, becauſe we love to do it as being pleaſing and delightful.

Your Lordſhips then, I doubt not, will as willingly joyn with the Commons, in doing good to a good Judge, as in puniſhing of the bad.

My Lords, *We honour them and reckon them Martyrs for the Commonwealth, who ſuffer any thing by defending the Common Right of the Subject, when they will not part with their own Goods contrary to Law; when indeed their private intereſt goes along with it, or rather before it; and the publick Concernment ſeems to come but in a ſecond place, ſuch were thoſe many, whom theſe Judges have oppreſſed; yet theſe Men we magnifie, and judge worthy of Praiſe and Reward.*

But what honour then is he worthy of, who meerly for the publick, hath ſuffered himſelf to be diveſted and deprived of his particular, ſuch a Judge as would loſe his place, rather than do that which his Conſcience told him was prejudicial to the Common-wealth: Is not he worthy of double honour?

And this did that Worthy Reverend Judge, the chief Judge of England *at that time, Sir* Randol Crew, *becauſe he would not, by ſubſcribing, countenance the Loan in the firſt year of the King, contrary to his Oath and Conſcience, he drew upon himſelf the diſpleaſure of ſome great Perſons about his Majeſty, who put on that project, which was afterwards condemned by the Petition of Right, in the Parliament of* Tertio, *as unjuſt and unlawful; and by that means he loſt his place of Chief Juſtice of the King's-Bench, and hath theſe fourteen years, by keeping his innocency, loſt the profit of that Office, which upon a juſt Calculation, in ſo long a Revolution of time amounts to* 26000 l. *or thereabouts.*

He kept his Innocency when others let theirs go, when himſelf and the Common-wealth were alike deſerted, which raiſes his merit to a higher pitch: For to be honeſt when every body elſe is honeſt, when honeſty is in faſhion, and is Trump, as I may ſay, is nothing ſo meritorious; but to ſtand alone in the breach, to own honeſty when others dare not do it, cannot be ſufficiently applauded, nor ſufficiently rewarded. And that did this good old man do: in a time of general deſertion, he preſerved himſelf pure and untainted.

Temporibuſque malis auſus is eſſe bonus.

My Lords, *The Houſe of Commons are therefore Suiters unto your Lordſhips, to joyn with them in the repreſentation of this good Man's Caſe unto his Majeſty, and humbly to beſeech his Majeſty to be ſo good and gracious unto him, as to give him ſuch honour (the quality of this caſe conſidered) as may be a noble mark of Sovereign grace and favour, to remain to him and his poſterity, and may be in ſome meaſure a proportionable compenſation for the great loſs he hath with ſo much patience and reſolution ſuſtained.*

There certainly cannot in the whole World be ſeen a more Illuſtrious Court, than this High and Honourable Aſſembly of Peers in Parliament, nor any thing of greater Benefit and Advantage to the Subjects of this Monarchy, where matters of Right and Equity are Debated and Ordered with that great Wiſdom and Juſtice, that Tenderneſs and Caution, that all perſons may find Redreſs, which as it has in all times been moſt viſible, ſo even in this Parliament it may be ſeen in a thouſand Inſtances, ſo long as it continued free, and undiveſted of its Noble Members the Loyal Lords, and the Biſhops: And becauſe they into whoſe hands theſe Collections may come, might ſee I endeavoured their Intereſt as well as to gratifie their Curioſity, I have entred into theſe Papers many Orders of the Lords Houſe in particular and extraordinary Matters, that ſo the Readers and others might know where to ſeek and find Relief in many Caſes, wherein the ordinary Courts of Juſtice cannot avail them; and I give this account that ſo they may not appear either forreign to my Deſign, or ſuperfluous in the Undertaking.

An Order of the Lords for Proviſion for Siſters by their Brother.

It was this day Ordered, *That the Earls of* Dorſet, Warwick, *and* Stamford *are to be attended, and humbly deſired by virtue of this Order, to mediate a peaceable and friendly Compoſition and Agreement between Mr.* Stoddard *and his Three Siſters touching their ſeveral Maintenance, during their Lives. But in caſe the ſaid Mr.* Stoddard *ſhall refuſe to perform ſuch things as their Lordſhips ſhall think reaſonable to be agreed unto, then their Lordſhips are to make Report thereof unto this Houſe, which will proceed therein according to Juſtice and Equity.*

Wedneſday, July 7. Meſſage to deſire the King to ſtop the Allowances of Sir *Fr. Windebank*, &c. A Meſſage from his Majeſty concerning the Officers of the Star-Chamber.

Information being this day given to the Commons, That the Allowances formerly paid to Mr. *Jermyn*, Sir *John Suckling* and others were ſtill continued in their Places and Salaries, Mr. Treaſurer was ordered to move his Majeſty to ſtop any Allowances or Payments to Sir *Francis Windebank*, Mr. *Montague*, Mr. *Jermyn*, and Sir *John Suckling*, *while they ſtand in the Condition they are now in.*

A Meſſage was alſo brought from the King by Mr. Sollicitor concerning the Officers of the Star-Chamber; and it was moved, That a Committee might be appointed to take an account of them and their Places, and what Reparation was fit to be made them; But it was laid aſide. A like Meſſage was ſent to the Lords, who appointed a Committee to conſider of it.

The Houſe then entred upon the Debate concerning the King's *Manifeſto* about the Affair of the *Palatinate*, and being reſolved into a Committee of the whole Houſe, and Mr. *Whitlock* being in the Chair, Sir *Symon D'Ewes* ſpoke upon that Subject to this Effect.

Sir *Simon D'Ewes* his Speech concerning the *Manifeſto*, and the Affair of the *Palatinate*, *July* 7. 1641.

Mr. *Whitlock*,

‘WE have during this Parliament, fallen upon the Debate of the greateſt and moſt important Affairs, concerning our Own Good and Welfare at Home, that ever were agitated, and diſcuſſed at one Meeting in the Houſe of Commons. And we are at this preſent, by the Gracious Invitation of his Royal Majeſty expreſſed in his moſt Juſt *Manifeſto* read unto us, reſolved to take into Conſideration, the moſt Sublime, and moſt Difficult Buſineſs of the Chriſtian World abroad: which hath for the ſpace of above Twenty Years laſt paſt, drawn all the Kingdoms and States of *Europe*, into an immediate or mediate Ingagement: In which, there have been Twenty pitch't Battels fought, a Million of Men, Women and Children deſtroyed by the Sword, by the Flames, by Famine, and by Peſtilence; and that ſometimes Populous and Fertile Empire of *Germany* reduced to a moſt Extream and Calamitous Deſolation. I have in thoſe few ſpare-Hours I could borrow yeſterday, from the publique Service of the Houſe, recollected ſome particulars, which may conduce to the clearing of this great Cauſe, being drawn out of the *Autographs* themſelves, or out of our Records at Home, or out of the Writings of our very Adverſaries, and others abroad. I ſhall therefore begin at the Original it ſelf, of the never-enough to be lamented loſs of the Prince *Palatine*'s Dominions, and Electoral Dignity: that ſo we may take along with us, in our intended Diſputes, not only our Affections, but our Conſciences. It is therefore very manifeſt, to all that are but meanly verſt in the Cabinet Affairs of Chriſtendom; That the Jeſuits have Conſulted for many years laſt paſt, as well before, as ſince the Furious Wars of *Germany*, by what means to ruin the Evangelical Princes, and Party there. Their Chief Aim hath been, ſo to divide the Proteſtant Princes amongſt themſelves, as they might be made uſe of Each againſt other, for the Ruine Each of other.

‘The firſt Occaſion, that offered it ſelf within our Memories, was the Pretences of ſeveral Competitors to the Dukedomes of *Cleve* and *Juliers*, and they failed but a very Little to have executed their intended Deſign upon that Occaſion. But their hopes failing in it, they apply

‘ them-

July,
1641,

'themſelves integrally to *Ferdinand* of *Auſtria*, Duke of *Gratz*, a Prince not long ſince ſo poor, and of ſo mean a Conſideration to add the weight of but one grain, to the down-Ballancing of the Affairs of Chriſtendome, as his Name was ſcarce heard of.

'They find him a fit ſubject for them to work upon, having from his Cradle been bred up in an extreme hatred of the Proteſtant Party, who profeſſed the Truth. They reſound nothing into the Ears of the old Emperor *Matthias*, but his Couſin *Ferdinand*'s high merits; ſo as he paſſing by his own Natural Brothers, and the Head of his Houſe, the *Spaniſh* King, Adopts *Ferdinand* of *Gratz* for his Son, ſo to prepare a way to make him the Succeſſor of his Scepter, Crown and Purple.

'Then were the Sacred Dyets of the Empire, the Ancient means to reconcile Differences, and prevent Jealouſies, as often diſſolved abortively as called inſincerely. Rumours were ſpread of Practices and Deſigns againſt the Proteſtant Princes and Cities. And that thoſe Rumours might not vaniſh in Smoak, the Liberties of the Great and Ancient City of *Strasburg* were oppreſt. The Proteſtant Princes ſeeing Materials and Engines on every ſide prepar'd for their Ruine, were neceſſitated to meet at *Heilburn*, and there to conclude an union amongſt themſelves.

'This gave the Jeſuits an aſſured hope, of making *Germany* ſpeedily miſerable by a Calamitous War; for not only the Pontifician Princes, took the opportunity to ſettle a Catholique League, as they call'd it amongſt themſelves: But alſo the Elector of *Saxony*, like a true *Pſeudo-Lutheran*, neither Proteſtant nor Papiſt, ſhews as good an Affection to the Catholic League, as the Evangelick Union.

'The old Emperor *Matthias* begins now to act his part, and the Jeſuits ſpur on their ready Scholar *Ferdinand* of *Gratz*, to aſcend the bloody Theatre they had ſo long deſigned him. Through the old Emperor's interceſſion, abuſing the *Bohemian* Proteſtants Credulity, with ſugared Flatteries, and large Promiſes, he is admitted to the Crown of that rich Kingdom; which ſoon after made way for him unto the Crown of *Hungary* alſo. The Jeſuits, and the *Spaniards* did now only want a fair occaſion to begin a War in *Germany*. The Emperour *Matthias* labours with the Proteſtant Princes, to diſſolve their Union; which not taking effect, the Biſhop of *Spiers* is encouraged underhand to pick a Quarrel with the Prince Elector Palatine, and to build a ſtrong Fortreſs upon his neighbours Territories, pretending he had right to that Plot of Ground, upon which the ſaid Fortreſs was raiſed: But an higher Providence did not ſuffer this Spark to ſet *Germany* on Fire, though it had been kindled at the Prince Elector's own door (to affront and provoke him) for he by an incredible celerity, did cauſe the ſaid Fortreſs to be demoliſhed, before the Enemy could fit, and furniſh it for his intended uſe, which made him ſit ſtill and ſtudy for a new occaſion, which that it might not be long wanting, the Liberties and Priviledges of the Proteſtants in *Bohemia*, contrary to their new King *Ferdinand*'s Oath, were temerated; and by that means in the year 1619 the greater part of the Eſtates of that Kingdom were neceſſitated, after mature deliberation, to abdicate him, and to Elect *Frederick* Prince Elector Palatine for their King.

'And thus are we arrived at that ſad period of time, upon which ſo many fatalities have enſued; in which we may ſee evidently, That

July, 1641.

‘the Prince Elector Palatine was not cauſally guilty of any part of that Ocean of Blood, that hath been ſince ſpilt in *Germany*, as the Pontifician ſide pretend he was.

‘The Scene was long before prepared by the Enemies of the Truth; and the Kingdom of *Bohemia* was filled with Arms and Hoſtilities divers Months, before his accepting of that Crown; when himſelf laboured by an earneſt mediation, to have given a peaceable Iſſue to thoſe bloody beginnings.

‘It was the Honour and Greatneſs of that Matchleſs Princeſs that he gained here, and the conſiderable Succours they expected from hence, that eſpecially drew the *Bohemians* to that Choice. It therefore concerns us now at length to provide, that the Prince Elector himſelf, and the other Princely Branches of that great Family (being the ſecond without queſtion, if not the firſt, and moſt Ancient of the Empire) extracted by their laſt match, from the Royal Line of Great *Britain*, ſhould not under colour of their Father's accepting that Crown, to which they now pretend no Title, be for ever deſpoyled of their Ancient Inheritance, and Electoral Dignity: To which Calamity they had never been reduced, had not the *French* King at that time forgotten the old Maxime of his Predeceſſors, which was, To keep even the Ballance of *Germany*; to which alſo did moſt fatally concur the Duke of *Bavaria*'s Ambition, betraying his own Blood; and the Duke of *Saxony*'s taking Arms againſt the Evangelical Party. By this means, and the advancing of *Spinola* with the *Spaniſh* Army out of the *Netherlands*, was not only the Kingdom of *Bohemia* loſt in a few months, but the *Palatinate* alſo, excepting ſome few Places of ſtrength, inveſted by the Enemy, and that poor people left to ſlaughter, calamity, and deſolation. The Correſpondence of ſome ill Miniſters of this State abroad, with thoſe of Forreign States here, aſſiſted by ſome fatal Inſtruments at home, furthered all this miſchief, at the inſtant putting this State in hope of a match, when Supplies ſhould rather have been ſent from hence, to have preſerved at leaſt the Electoral Territories from an Invading Power.

‘It is true, that the *Spaniſh* Match had been generally treated of ſome 5 or 6 years before this fatal Fire kindled in *Germany*, being firſt ſet on foot by the Duke of *Lerma* under *Philip* of *Auſtria*, late King of *Spain*: But now it was effectually advanced, and fortified with a conjoyned Treaty of accommodating the *Palatine* Cauſe, without effuſion of Blood. This and much more appears in the Original Journal-Books of the Two Houſes of Parliament in *Anno* 21 *Jacobi Regis*, which I have ſo far peruſed, as ſo ſhort a time would give leave; and though that matters are there ſet down at large, eſpecially in the Records out of the Houſe of Peers; yet I have abſtracted it into ſo narrow a compaſs, as may well ſort with the little ſpare time of this Houſe to hear it. The Relation was firſt made at *White-hall* during that Parliament, in the preſence of the greater part of both the ſaid Houſes, on *Tueſday February* 24. And it was afterwards reported upon *Friday* the 27th day of the ſame Month next enſuing, in the Lords Houſe by the then Lord Keeper, and in the Houſe of Commons by Sir *Richard Weſton*, at that time Chancellor of the Exchequer. It is there at large ſet forth, That His Majeſty's Royal Father, having had ſeveral fair promiſes from the Emperour *Ferdinand* the Second, and the King of *Spain*, of a peaceable Reſtitution of the *Palatinate*, cauſed not only ſuch conſide-

‘rable Forces, as were then remaining in *Germany* under the Prince Elector's Enſignes to diſband; but procured alſo ſome Places of ſtrength in the *Palatinate* it ſelf, to be Surrendred, and Conſigned over to the late Infanta of *Spain*. But in the year 1622. our late Royal Soveraign King *James*, upon his Ambaſſadors return from *Bruxels*, having diſcovered the Emperors intentions to be full of inſincerity and deceit; wrote his Princely Letters, bearing Date at *Hampton-Court October* 3. 1622. to the (then and ſtill) Earl of *Briſtol*, His Majeſty's Extraordinary Ambaſſadour in *Spain*; to let him know, That he now perceived little ſincerity in all the *Spaniſh* King's promiſes for the peaceable Reſtitution of the *Palatinate*, by whoſe only means he had ſuffered the ſame to be loſt to the Emperor, and that therefore he ſhould preſently preſs that King, either to give a full and direct Anſwer under his Hand and Seal, for the Reſtitution thereof; or elſe to joyn his Armes with his Majeſty againſt the Emperor for the Recovery of the ſame: But this matter as it further appears by the Original Journal-Books of the Lords Houſe, being either not throughly preſſed, or notably diſſembled; ſo many delays enſued one upon the neck of another, as in the Iſſue it drew his Royal Majeſty, then Prince of *Wales*, to undertake that dangerous and remote Journey unto that Nation, which hath been the long and hereditary Enemy of *England*. This Journey was chiefly undertaken by ſo great a Prince to add an end, one way or other, to that unfortunate Treaty; and his ſtay in *Spain* did cauſally proceed from his earneſt deſire to have effected a peaceable Reſtitution of the *Palatinate*; and therefore I doubt not but he ſhall now live to verifie that Excellent and Heroick Expreſſion, which he made to the *Conde de Oilvarez* a little before his coming out of that Kingdom.

‘*Look for neither Marriage nor Friendſhip, without the Reſtitution of the* Palatinate.

‘And I aſſure my ſelf, That the Force, and Power of *Great Britain* which was lately by ſubtil, and wicked Inſtruments divided againſt it ſelf, being now united in One again, will be able to Effect ſuch Great, and Conſiderable Actions, as ſhall render his Majeſties Name and Reign Glorious to all Poſterity. The Two Houſes of Parliament, at that time received the before-mentioned Declaration, with ſo much reſentment,as having rendred Glory to God that had ſo ſeaſonably diſcovered the *Spaniſh* Frauds, and next their humble acknowledgments to their then Gracious Soveraign,for requiring their Counſels in a buſineſs of ſo great Importance, they did unanimouſly adviſe him to break off the ſaid two Treaties touching the Marriage, and the Reſtitution of the *Palatinate*; ingaging no Leſs than their Perſons, and Purſes, for the Recovery of the then Prince Elector's Ancient and Hereditary Dominions.

‘It appears alſo in the Original Journal-Book of this Houſe, *De Anno* 1. *Caroli*, That this great Buſineſs was again taken into Conſideration, but was finally intombed with other Matters of great Moment, by the fatal and abortive Diſſolution of that Parliament. If therefore this Great Council of the Kingdom, did in thoſe two former Parliaments, account the Reſtitution of this Illuſtrious and Princely Family to be of ſuch great neceſſity for the preſerving of True Religion abroad, and ſecuring our ſelves at home, as to ingage themſelves for an Aſſiſtance therein:

July, 1641.

‘ Certainly we may upon much better grounds, undertake the ſame now, ‘ when I aſſure my ſelf we may go as far with a Thouſand pounds for ‘ the preſent, as we could have done with Ten thouſand at that time: ‘ for let us but take a ſhort View of the Eſtate of Chriſtendom, what it ‘ was then, and what it is now, and we ſhall eaſily perceive a great Al‘teration in the ballance thereof.

‘ In *France* where Monſieur *de Luynes* did then rule all, being himſelf ‘ acted by the Pope's *Legate*, that King Contrary to the Examples of ‘ *Francis* the Firſt, *Henry* the Second, and of *Henry* the Great his own ‘ Father, and Contrary to the Maximes, and Intereſt of that State, and ‘ his own Safety, advanced the Formidable Power and Spreading Great‘neſs of the Houſe of *Auſtria*: but now the ſame *French* King's Eyes ‘ have been ſo opened, that ſhaking off that former unhappy Slumber he ‘ was in, he hath by his Arms and Power to his immortal Honour, and ‘ Glory, for divers years laſt paſt, endeavoured to reſtore again that Li‘berty to the *German* Empire, in the Ruin of which himſelf had ſo fatal‘ly before Concurred.

‘ The *Swedes* were then involved in ſeveral Wars, or Jealouſies with ‘ the *Pole*, and inforced to keep at home to defend their own, but now ‘ have a ſtrong Army, and poſſeſs divers Pieces of Important Conſequence ‘ within the very Bowels of the Empire.

‘ The Epiſcopal Electors with the other Pontifician Princes and Pre‘lates, the ſworn Enemies of the Proteſtant Religion, were then Rich, ‘ and Potent, but ſince moſt of their Countries and Territories have ‘ taſted of the ſame Calamities of War, which they had formerly brought ‘ upon their Neighbours, ſo as now they are moſt of them ſcarce able to ‘ defend their own, much leſs to offend any other.

‘ The *Pſeudo-Lutheran* Elector of *Saxony*, that is Cauſally guilty ‘ more than any other ſingle perſon Living, of all thoſe Calamities and ‘ Slaughters, which have for ſo many Years waſted *Germany*, and was ‘ then ſo Liberal of his Treaſure, and ſo forward with his Arms to an‘cillate to the Emperor's Deſigns, to the almoſt utter Subverſion of the ‘ True Religion in *Germany*, is now after the reiterated temeration of ‘ his Faith and Promiſes, the Fatal Survivor of the ſeveral Devaſtations ‘ of his own Country, and Dominions: ſo as all thoſe vaſt difficulties ‘ and great dangers, which might well have retarded the forwardneſs ‘ of thoſe two former Parliaments, the firſt being held in the 22*d*. Year ‘ of his Majeſty's Royal Father, and the Later in his Own firſt Year, ‘ being now removed, we have greater Encouragements, than ever, to ‘ Concur with our Sacred Soveraign in the Aſſerting of this his moſt Juſt, ‘ and Princely *Manifeſto*.

‘ For mine own part, I expect no good Iſſue of the preſent Treaty at ‘ *Ratisbonne*: I know the Duke of *Bavaria*'s Ambition too well, ever to ‘ imagine that he will part with thoſe Large Revenues, and much leſs ‘ with the *Septem-Viral* Dignity and Suffrage he hath obtained by the ‘ Prince Elector's Calamity and Misfortune; unleſs it be Extorted from ‘ him by force of Arms.

‘ My humble Advice therefore is, That we ſend up to the Lords, to ‘ deſire a ſpeedy Conference with them, in which we may acquaint ‘ their Lordſhips, how far we have proceeded in our Approbation of ‘ his Majeſties moſt Royal *Manifeſto*, and to move them to Concur with ‘ us therein.

After

July,
1641.

Vote about the *Manifeſto.*

After a long Debate, the Houſe came to this Reſolution:

Reſolved, &c. *That this Houſe doth Approve of his Majeſties Pious Intention in the behalf of his Royal Siſter the Queen of* Bohemia, *and his Nephew the Prince Elector* Palatine, *and the reſt of the Princes of that Family; and of the Publiſhing the Manifeſto to that purpoſe, and this Houſe will be ready to give his Majeſty ſuch Advice and Aſſiſtance therein by Parliament, as ſhall ſtand with the Honour of His Majeſty, and the Intereſt and Affection of this Kingdom, if the preſent Treaty ſhall not ſucceed.*

But theſe were only Words, and they were ſo far from giving his Majeſty or the Electoral Family any Aſſiſtances, that having Encouraged the King of *England* to put out this *Manifeſto*, and then failing him of all Aſſiſtances to make it good, they rendred Themſelves, the *Engliſh* Nation, and the King himſelf Cheap in the Eſteem of Forreign Nations; however, Mr. *Pym* was Ordered to go up to the Lords, to deſire a Conference about it.

The further Debate of the 10 *Propoſitions* by the Lords.

The Houſe of Lords was turned into a Committee to debate the 4*th* Head brought from the Houſe of Commons concerning the Queens Majeſty, and the firſt Branch was agreed to.

To the Second Article, It was agreed to Joyn with the Houſe of Commons to move the King, *That he will be pleaſed not to give his Conſent to the ſame hereafter, it being againſt the Laws of this Kingdome.*

To the Third, concerning the Colledg of Capuchins at *Denmark*-Houſe, agreed.

The 4*th* not now Reſolved.

Thurſday, July 8.

There was a Debate in the Commons Houſe, concerning the Forreign Ambaſſadors entertaining and ſheltering *Romiſh* Prieſts and Jeſuits, Natives of his Majeſties Dominions; upon which it came to this Vote,

Vote againſt Forreign Ambaſſadors Entertaining Romiſh Prieſts Natives of the Kings Dominions.

Reſolved,&c. *That this Houſe doth declare, That no Forreign Ambaſſador whatſoever ought to ſhelter or harbour any Popiſh Prieſt or Jeſuit, that are Natives of the Kings Dominions, under pretence of being their Servants or otherwiſe. And the Committee for the* 10 Propoſitions *to his Majeſty about his Journey, are to preſent this Declaration to the Lords Committee appointed to meet them, and to deſire their Lordſhips to Joyn with this Houſe to Petition his Majeſty that this may accordingly be obſerved.*

Ceſſation prolonged.

The Ceſſation was Voted to continue 14 dayes longer from *Munday* next.

Further Votes about Mr. *Hollis*,&c. 3 *Car.*

The Houſe then reaſſumed the Debate about Mr. *Hollis* and others Impriſoned and Fined 3 *Car.* and came to theſe Votes,

Reſolved, *&c.* That Sir *George Crook* one of the Juſtices of the Kings Bench, is not Guilty of the delay in granting the *Habeas Corpus* to Mr. *Hollis*, &c.

Reſolved, *&c.* That the continuance of Mr. *Hollis* &c. 3 *Car.* in Priſon by the then Judges of the Kings Bench for not putting in Sureties for the Good Behaviour, was without Juſt or Legal Cauſe.

Reſolved, *&c.* That the Exhibiting the Information againſt Mr *Hollis*, Sir *John Eliot* and Mr. *Valentine* in the Kings Bench being Members of Parliament and for matters done in Parliament, was a breach of Priviledge of Parliament.

Reſolved, *&c.* That the Judgment given upon *Nihil dicit* againſt Mr. *Hollis*, Sir *John Eliot* and Mr. *Valentine*, and the Fines thereupon Impoſed, and their ſeveral

July, 1641.

ſeveral Impriſonments thereupon was againſt the Law and the Priviledg of Parliament.

Reſolved, *&c.* That the ſeveral proceedings againſt Mr. *Hollis*, Sir *John Eliot* and Mr. *Valentine*, by committing them and Proſecuting them in the Star-Chamber and the Kings Bench is a Grievance.

Reſolved, *&c.* That Mr. *Hollis*, Mr. *Strode*, Mr. *Valentine*, Mr. *Long*, and the Heirs and Executors of Sir *John Eliot*, Sir *Miles Hobart* and Mr. *Peter Heyman* reſpectively, ought to have reparation for their reſpective Damages and Sufferings, againſt the Lords and others of the Council by whoſe means they were apprehended and committed, againſt the Council that put their Hands to the Information in the Star-Chamber and the Judges of the Kings Bench.

Reſolved, *&c.* That Mr. *Laurence Whittacre* being a Member of the Parliament, 3 *Car.* and entring into the Chamber of Sir *John Eliot*, being likewiſe a Member of that Parliament, ſearching of his Trunk and Papers and Sealing of them, is Guilty of the Breach of Priviledg of Parliament, this being done before the diſſolution of the Parliament.

Reſolved, *&c.* That Mr. *Laurence Whittacre* being guilty of the Breach of the Priviledg of Parliament as aforeſaid, ſhall be ſent forthwith to the *Tower*, there to remain a Priſoner during the Pleaſure of the Houſe.

Mr. *Lau. Whittacre* ſent to the Tower for Breach of Privilege, 3 *Car.*

Whereupon Mr. *Whittacre* being called down, and kneeling at the Bar, Mr. *Speaker* pronounced this Sentence againſt him.

Mr. *Whittacre* then deſired permiſſion of the Houſe to ſpeak for himſelf, which being granted, he ſaid, That he did freely confeſs the matter of Fact, and that he ſhould not endeavour to extenuate it by the Confuſion of the times, but that he had only this to plead in mitigation of the Sentence; that it was an Error committed ſo long ago, being now 13 years ſince; and that he was commanded to do what he did by Warrant from the King himſelf, and three and Twenty Privy Councellors.

But all this availed him nothing, for he was immediately ſent to the Tower.

Now for the Readers ſatisfaction, and that he may have a clear underſtanding of this affair, it will, I think, not be unacceptable to preſent him with theſe following Papers relating to this affair.

There were ſeveral Queſtions propoſed to the three Chief Judges, to which they gave theſe Anſwers.

The reſolutions of the Three Chief Judges about matters in the Parliament, 3 *Car.*

Quere I. W*Hether a Parliament Man, offending the King Criminally, or Contemptuouſly in the Parliament Houſe* (*and not then puniſhed*) *may not be puniſhed out of Parliament?*

Anſwer, "We conceive, That if a Parliament Man, exceeding the "Priviledge of Parliament, do Criminally, or Contemptuouſly offend "the King in the Parliament Houſe (and not there puniſhed) may be "puniſhed out of Parliament.

Quere II. *Whether the King, as he hath the power of Calling and Diſſolving a Parliament, have not alſo an abſolute power to cauſe it to be Adjourned at his pleaſure?*

Anſwer, "We conceive, That the King hath the Power of Commanding of Adjournments of Parliaments, as well as of Calling, Prorogueing "and Diſſolving of Parliaments: But for the manner thereof, or the "more particular Anſwer to this, and the next ſubſequent Queſtion, "we refer our ſelves to the Precedents of both Houſes.

Quere III.

July, 1641.

Quere III. *Whether, if the King do Command an Adjournment to be made, he hath not alſo power to Command all further proceedings in Parliament to ceaſe at that time.*

Quere IV. *Whether it be not a high Contempt in a Member of the Houſe, contrary to the King's expreſs Commandment, Contemptuouſly to oppoſe the Adjournment?*

Anſwer, "The King's expreſs Commandment being ſignified for an "Adjournment, if any after that ſhall Tumultuouſly oppoſe it, further, "or otherwiſe then the Priviledge of the Houſe will Warrant, This we "conceive to be a great Contempt.

Quere V. *Whether, if a few Parliament-Men do Conſpire together, to ſtir up ill Affections in the People, againſt the King, and the Government, and to leave the Parliament with ſuch a looſe, and by words or writings put it in Execution, and this not puniſhed in Parliament, it be an offence puniſhable out of Parliament?*

Anſwer, "We conceive this Offence to be puniſhable out of Parlia-"ment.

Quere VI. *Whether, if ſome Parliament-Men ſhall Conſpire together to publiſh Papers containing falſe and ſcandalous Rumors, againſt the Lords of the Privy Council, or any one or more of them, not to the end to Queſtion them in a Legal or Parliamentary way, but to bring them into Hatred of the People, and the Government into Contempt, and to make Diſcord between the Lords and Commons; Is not this an offence puniſhable out of Parliament?*

Anſwer, "We conceive this alſo to be an Offence puniſhable out of "Parliament.

Quere VII. *If Two or Three or more of the Parliament ſhall Conſpire to defame the King's Government, and to deter his Subjects from Obeying or Aſſiſting the King, Of what nature this Offence is?*

Anſwer, "The Nature and Quality of this Offence will be greater "or leſſer, as the Circumſtances ſhall fall out, upon the Truth of the "Fact.

Quere VIII. *Can any Priviledge of the Houſe Warrant a Tumultuous Proceeding?*

Anſwer, "We humbly conceive, That an earneſt, though a diſorder-"ly, and confuſed proceeding in ſuch a Multitude, may be called Tu-"multuous, and yet the Priviledge of the Houſe may Warrant it.

"We in all humbleneſs are willing to ſatisfie Your Majeſties Com-"mand, but until the Particulars of the Fact do appear, we can give "no directer Anſwers then before.

And particularly as to the Second Quere about the King's Power of Adjourning as well as Calling and Diſſolving of Parliaments, theſe following Parliamentary Precedents were given in.

Parliamentary Preſidents about Adjournments by the King.

Mercur. 4. *Aprilis,* 1. *Jac. Seſſ.* 1.

Mr. Speaker pronounceth His Majeſties Pleaſure of Adjourning the Houſe, till 11*th.* of *April,* (and it was ſo done.)

Jovis 18. *Dec.* 1606.

The Lords by their Meſſengers ſignified the King's Pleaſure, that the Seſſion ſhould be Adjourned till the 10th of *February* following.

Upon this Meſſage Mr. *Speaker* Adjourned the Houſe according to His Majeſties ſaid Pleaſure.

Martis 31. *Martii* 1607.

The Speaker delivered the King's Pleaſure, that the Houſe ſhould be Ajourned, till *Munday* 20. *April* following.

Mercurii 20. *Maii* 1607.

Mr. Speaker ſignified the King's Pleaſure about Nine a Clock to Adjourn the Houſe till the 27*th* of the ſame Month.

And 27*th* of *May,* he being Challenged for Adjourning without the Privity of the Houſe, he excuſeth it, and ſaith, as the Houſe had power to Adjourn themſelves, ſo the King had a Superior Power, and by His Command he did it.

Veneris 30 *Martii* 1610.

His Majeſtie's Pleaſure to Adjourn from *Tueſday* till *Munday* Sevenight.

11. *July.*

The King by Commiſſion Adjourneth the Lords Houſe. Meſſengers ſent to the Commons. They ſend by Meſſengers of their own to the Lords, that they uſe to Adjourn themſelves.

The Commiſſion is ſent down, Mr. Speaker Adjourneth the Houſe till the firſt of *Auguſt.*

26. *Febr.* 4. *Car.*

Mr. Speaker ſignifieth His Majeſtie's Pleaſure, that the Houſe be preſently Adjourned till *Munday* next, and in the mean time all Committees and other proceedings to ceaſe.

And thereupon Mr. Speaker in the Name of the Houſe Adjourned the ſame accordingly.

And for a ſhort Account of this Affair, take this out of *Crook*'s Reports.

Cro. 3. *Part,* The *King* verſus Sir *John Elliot, Denzill Hollis,* and *Benjamin Valentine, fol.* 181. *Hill. Term.* 5 *Car.*

Sir *John Elliot*'s Caſe, *&c.* about the buſineſs 3 *Car.* out of *Crook*'s Reports.

AN Information was exhibited againſt Sir *John Elliot, Denzil Hollis* and *Benjamin Valentine* by the Attorney General, *&c.* To which the Defendants appearing, pleaded to the Juriſdiction of the Court, That the Court ought not to have Conuſance thereof, becauſe it is for Offences done in Parliament, and ought to be there Examined, and Puniſhed, and not elſewhere: It was thereupon demurred, and after Argument adjudged, That they ought to Anſwer: for the Charge is for Conſpiracy, Seditious Acts, and Practices, to ſtop the Adjournment of Parliament, which may be examined out of Parliament, being Seditious and Unlawful Acts, and this Court may take Conuſance and puniſh them.

Afterwards divers Rules being given to Plead, and they refuſing, Judgment was given againſt them, *viz.* Againſt Sir *John Elliot,* that he ſhould be committed to the Tower, and ſhould pay Two Thouſand Pounds Fine, and upon his Inlargement ſhould find Sureties for his Good Behavior. And againſt *Hollis,* That he ſhould pay a Thouſand Marks, and ſhould be Impriſoned and find Sureties, *&c.* And againſt *Valentine*, That he ſhould pay Five Hundred Pound Fine, be Impriſoned and find Sureties.

Note, That afterward in the Parliament 17 *Car.* It was reſolved by the Houſe of Commons, That they ſhould have Recompence for their Damages, Loſſes, Impriſonments, and Sufferings ſuſtained for the Services of the Common-Wealth, in Parliament of 3 *Car.*

Note, In the Seſſion of Parliament *Anno* 19 & 20 *Car.* 2. a Motion was made by a Commoner to have this, and ſome other like Reſolutions expunged out of our Law-Books, that Students might not be poyſoned therewith, and a Committee was accordingly appointed to inſpect them.

And accordingly upon Report made by Mr. *Vaughan* from the Committee about freedom of Speech in Parliament, it was Reſolved among other Votes,

That the Judgment given 5 Car. *againſt Sir* John Elliot, *&c. in the Kings-Bench is an Illegal Judgment, and againſt the Freedom and Priviledg of Parliament. The Concurrence of the Lords was deſired, and their Lordſhips Concurred with the Commoners.*

Commiſſary *Wilmot* and Colonel *Aſhburnham* Bailed.

Upon the Petition of Commiſſary *Wilmot*, and Colonel *Aſhburnham*, it was

Reſolved, &c. *That Commiſſary* Wilmot, *and Colonel* Aſhburnham *ſhall be bailed in the ſame manner that Captain* Pollard *was.*

Reſolved &c. *That a Warrant ſhall iſſue under Mr.* Speaker's *hand to the Lieutenant of the Tower to deliver them into the Serjeant's hand.*

It was further Ordered, *That Colonel* Goring, *Commiſſary* Wilmot, *and Colonel* Aſhburnham, *ſhall not offer any violence one to another ; Colonel* Goring *being preſent in the Houſe, promiſed to obſerve the Injunction, and Commiſſary* Wilmot *and Colonel* Aſhburnham, *were ordered to give ſatisfaction to the Houſe under their hands, that they will obſerve this Command of the Houſe.*

Mr. *William Davenant* Bailed.

Upon his Petition it was likewiſe Ordered, *That Mr.* William Davenant *ſhould be bailed upon ſuch Security as the Houſe ſhall allow of.*

Dudley Smith Eſq; and *William Champneys* Eſq; Sewers to the King, were alſo admitted to Bail, 2000 *l.* the Principals, and 1000 *l.* the Sureties.

Breach of Priviledge.

William Williams was this day called in to Anſwer the Breach of Priviledge committed in entring upon the Freehold of the Lord Biſhop of *Lincoln*, and diſquieting the poſſeſſion of his Lordſhips Lands in *Carnarvan-ſhire.*

The ſaid *Williams* confeſs'd, he had entred upon the Lands of the Lord Biſhop of *Lincoln* at *May* laſt was Twelve Months. The Houſe thought fit to Releaſe him upon Bail.

Then

Single Bail taken in the Lords Houſe.

Johannes Maynard *Mil' Balniæ, Recogn' ſe debere Domino Regi ducent' libras, levari ad uſum Domini Regis, ex Terris, Tenementis & Catallis.*

“The Condition of the aboveſaid Recognizance is, That if *William Williams* ſhall appear before the Lords in Parliament, and abide the Order of Parliament, then this Recognizance is void, or elſe it is to remain in full Power and Force.

Friday, July 9.

This day there was a Conference between the Lords and Commons concerning the Caſe of the *Palatinate* and the King's *Manifeſto*, at which Mr. *Denzil Hollis* made this following Speech.

July,
1641.

Mr. *Denzil Hollis* his Speech about the Palatinate *July* 9. 1641.

My Lords,

THe Knights, Citizens, and Burgeſſes of the Houſe of Commons, have commanded me to let your Lordſhips know, that they have taken into their ſerious Conſideration, His Majeſties Propoſal unto them of the *Manifeſto*, in which he is graciouſly Pleaſed to declare his Pious Intentions concerning his Royal Siſter, the Prince *Palatine* her Son, and the reſt of the Electoral Family.

They do with all Humbleneſs acknowledg His Majeſties Favor, in communicating unto them any part of His Royal Thoughts, and asking their Advice and Counſel, in a Buſineſs that doth ſo neerly concern Him; as needs muſt the Happineſs, nay the Subſiſtence of theſe Diſtreſſed Princes, of ſo Glorious an Extraction, their Veins being enriched with the ſame Blood that is from ſo Royal Anceſtors, derived with Glory into his Sacred Perſon.

And in that Relation, the Houſe of Commons looks upon them with an Eye of Tenderneſs, wiſhing that every drop of that Princely Blood, may ever be illuſtrated with Honor and Happineſs: That His Majeſty may be Crowned with this Bleſſing, To ſee nothing but Glory in himſelf, and in all that belong unto him.

To hear then, that theſe Princes, ſo nearly allyed unto the King, ſhould ſuffer that which is ſo unworthy of them, inſtead of Honor, of Greatneſs, to find Oppreſſion, inſtead of a Fortune anſwerable to their Birth and Relation, to have their ancient Patrimony torn from them, and deteined by a Hand of Violence, is a Thing, which makes our Ears to tingle, and our Hearts to riſe within us.

My Lords, The Loyal Subject of *England*, is ſo well tuned in a ſweet agreeing Harmony, to the Perſon of his Prince, that he is affected with the leaſt Touch upon any part of the Princely String, and Anſwers it inſtantly with a Sound proportionable; If it be Good, and Pleaſant, with Joy, and Exultation, if harſh and diſpleaſant, with Sorrow and Lamentation; but a Sorrow not Womaniſh and Effeminate, but accompanied with Indignation, and vigorous magnanimous Reſolution, to be avenged upon whoſoever dare give Offence to our Royal Sovereign.

This then is enough to make us zealous, for the Redreſs of the Prince Electors Wrongs, to deſire (with impatience) to ſee him reinveſted in his rightful Poſſeſſions, were there nothing elſe to move us to it, but our Love and Affection, and our Duty to the King.

But, My Lords, There is yet another Motive, which hath a ſtrong irreſiſtable Operation with us; and it is the conſideration, how much this is of Importance to the good of Religion, the advancement of the Proteſtant party, and the redeeming many Souls from their Anti-Chriſtian Bondage, which hath a double Aſpect; and relates to us, not only as we are Fellow-Members with them of the true Church, which obliges us to a Care and Defence of them, and gives us an aſſurance of a Reward in Heaven: But doth more particularly concern us in point of Policy and Reaſon of State, by ſupporting our Allies, to advance this Kingdom to the higheſt pitch of Greatneſs and Reputation, to make us formidable abroad to the Enemies of our Church and State, and ſo injoy Peace and Safety, and Tranquillity at Home.

For My Lords, The Proteſtant Religion and this Kingdom, are like *Hippocrates*'s Twins, that muſt both Live, and Die together.

It is madneſs to think this State can ſubſiſt, if Religion be ſubverted; and as great a madneſs to think our Religion can continue here, if we ſuffer it to be deſtroyed, and eradicated out of our Neighbour Countries; which can no more be (that is, our Religion and this Kingdom be preſerved,) when our Neighbours of the ſame Religion and Belief with us be conſumed, then a Fort can hold out, when all the Out-Works be taken, or the Heart preſerved, when a Gangrene hath ſeized on the outward Parts of the Body.

My Lords, As the true Religion is in the Truth, the Heart of *England*, which gives it Life, and makes it flouriſh with Strength and Power; ſo is *England* (in Politick Reſpect) the Heart of the Proteſtant Religion in all the other

ther Parts of *Chriſtendom*; and upon Occaſion, muſt ſend out Supply into all the Neighbouring Countries, profeſſing the ſame Religion with it; which (to be themſelves in ſafety) muſt be under the Protection of this Fort, under Contribution to this Garriſon.

And on the other ſide, if theſe Countries be one after another, Invaded and Poſſeſſed by the Enemies of Religion, that great Tye of Religion between us, and thoſe Bonds be Diſſolved, which only can Unite and Strengthen our mutual Affections, and Relations; as if they get one Part, their Appetite will increaſe ſoon to ſwallow up another.

Firſt, The *Palatinate*; then the other Parts of *Germany*; afterwards the *Low-Countries*; and then, Let us think in what Condition *England* will ſtand? It will be left as a Cottage in a Vineyard; as a Lodg in a Garden of Cucumbers; as a beſieged City, when all the Defences are gone, it will ſoon fall to be a Prey to the Enemy.

My Lords, This Conſideration likewiſe works with the Commons of *England*, and as the Wiſe-Man is to have his Eyes in his Head, and look before him; ſo they do look before them, and had rather ſee this Evil met half-way, then ſtay till it come to them, rather ſee the eating Gangrene of the *Auſtrian* Ambition ſtop'd in *Germany*, then tarry till it ſeize upon the Vital Parts of this Iſland, and the death of Religion inevitably follow.

Sir *Benjamin Rudyard* alſo at a Committee of the whole Houſe, Mr. *Whitlock* being in the Chair, ſpoke to this buſineſs as follows.

Maſter Whitlock,

Sir *Benjamin Rudyard*'s Speech at a Committee of the whole Houſe about the *Palatine* *July* 9. 1641.

IF we may do the Prince Elector good by our good word, I hope we ſhall not ſtick to afford it him. A word ſpoken in due Seaſon is worth more then Gold and Silver at an other time.

His Majeſtie's Ambaſſador is now at the Dyet at *Ratisbon*, where the Emperor and other Princes are by Friendly Treaties endeavouring to make up the Breaches of *Germany*. If this opportunity be omitted, His Highneſs's Affairs will be exceedingly caſt behind-hand.

It is true, that our Treaties heretofore have not been proſperous; the reaſon hath been, becauſe of the unhappy diſtance between the King and His People, which brought a Diſvalue upon this Kingdom abroad. But now, when the World ſhall take notice of the good underſtanding between His Majeſty and His Subjects, by an earneſt and ſolemn joyning of the whole Parliament with His Majeſtie's Declaration, the Propoſitions coming from hence, will carry with them more Weight, more Authority; which is the way to redeem our engagement at an eaſie rate, to ſave thoſe great charges which ſome do ſo much fear.

If we ſhould be backward in this great work, we ſhall cancel the obligations of Nature, of Honour, of Reaſon, of State, of Religion which bind us to it.

Wherefore, Maſter *Whitlock*, my humble Motion is, That we may draw up a ſhort and round *Manifeſto* to wait upon and affirm the Kings Declaration, to be ſtill managed by Advice of Parliament, which will be ſafe for our ſelves, more powerful and effectual for the Prince Elector.

I cannot tell what the preſent Age thought of it, and account it one of the greateſt bleſſings of Heaven that I was not then capable of thinking; but certainly Poſterity will ſee by this Speech a moſt notorious and manifeſt Colluſion in theſe People, who, notwithſtanding all the glorious pretences and zeal for this deplorable Family, in which the Honour and Intereſt of the King and Nation were, by their own Confeſſion, ſo deeply concerned, yet never intended any more aſſiſtance to this diſtreſſed Proteſtant Prince, then a few good and great words, which was a cheap way, and ſtill reſerving to themſelves a ſtarting hole, to aſſiſt the King in this Affair only ſo long as he would follow their advice.

July, 1641.

Votes concerning the Bill for aboliſhing Epiſcopacy.

Mr. *Hide* Reports the Reſults upon the Bill for aboliſhing Epiſcopacy, whereupon it was

Reſolved, &c. *That all the Lands, Poſſeſſions and Rights of the Deans, Deans and Chapters, ſhall be committed to the hands of Feoffees to be nominated by this Bill.*

Reſolved, &c. *That the Lands and Poſſeſſions of the Arch-Biſhops and Biſhops of* England *and* Wales, *except Impropriations and Advouſons, ſhall by this Bill be given to the King.*

Reſolved, &c. *That the Impropriations and Advouſons belonging to the Arch-Biſhops and Biſhops of* England *and* Wales, *ſhall be committed to the hands of Feoffees in the ſame manner as the Lands of Deans and Chapters are appointed to be.*

And becauſe the Prelates and Papiſts were to be coupled together in the Opinions of theſe People both in Guilt and Sufferings, it was by Vote

Vote againſt Papiſts.

Reſolved, &c. *That the Committe of* 48 *propound to the Select Committee of the Lords, that no Papiſt hereafter may have the keeping of any Caſtle, Fort, Chaſe, Forreſt, Park or Walk within* England *or* Wales; *and that ſuch as are in poſſeſſion of ſuch Caſtles,* &c. *As aforeſaid, may be outed thereof according to Law.*

Poſt Meridiem,

Order about Mr. *Randal* a Miniſter formerly ordered to *Bedlam.*

It was Ordered by the Commons, *That one Mr.* Randal *a Miniſter, now in the Goal at* Ailesbury *in the County of* Bucks, *for words ſpoken againſt the Honour of this Houſe, who was by a former Order appointed to be removed from thence to* Bedlam; *it is now Ordered that the ſaid Mr.* Randal *ſhall be diſcharged and ſet at liberty preſently upon the ſight hereof.*

Saturday, July 10. Further Votes about the Bill for aboliſhing Epiſcopacy.

The further Debate upon Mr. *Hide*'s Report about the Bill for aboliſhing Epiſcopacy, was this day reaſſumed, whereupon it was

Reſolved, &c. *That a competent Maintenance ſhall be allowed out of the Lands and Poſſeſſions of the Cathedral Churches, for the ſupport of a fit number of Preaching Miniſters for the Service of every ſuch Church, and a proportionable allowance for the Reparation of the ſaid Churches.*

Reſolved, &c. *That ſuch Eccleſiaſtical Power as ſhall be Exerciſed for the Government of the Church, ſhall be transferred by this Act unto the hands of Commiſſioners to be named by this Act. The further conſideration of this matter to be referred till* Monday 9 *of the Clock.*

Bill for Tonnage and Poundage being paſſed, Mr. Solicitor was ordered to carry it up to the Lords, and to move their Lordſhips, that the Royal Aſſent may be had with as much ſpeed as may be, and to move the Lords to expedite the Bill againſt Pluralities, and for diſarming Recuſants.

Breach of Priviledge giving the Lye to a Peer.

This day *Thomas Pain* the Attorney, that gave the ill Language to the Earl of *Thannet*, who charged the ſaid *Pain* with ſome Words which were reported to be ſpoken by him; he told the ſaid Earl, *That it was Falſe and a Lye* divers times together, which being proved upon Oath, it was Ordered, *That the ſaid* Pain *be committed to the Cuſtody of the Gentleman-Uſher for the preſent, and this Houſe will take the miſdemeanor into further conſideration.*

Report of the Conference about the Ten Heads.

The Earl of *Briſtol* reported the effect of the laſt meeting with the Select Committee of both Houſes, concerning the 10 Heads, and delivered ſome Queries and Propoſitions which the Houſe of Commons made, *viz.*

Whether the Colledge of Capuchins at *Somerſet*-Houſe ſhould be ſent away out of this Kingdom? for they are conceived to be buſie Men in giving Intelligence to Forreign States, and the Houſe of Commons are induced to believe ſo, becauſe they underſtand, That the Letters of the Capuchins which were Imported and Exported in one Week came to 3*l.* 10*s.* the Carriage.

Next they conceive, That there are ſome things contained in the Articles of Treaty of Marriage with *France*, which are contrary to Law.

Concerning the Education of the Prince, they ſaid they would conſult further of it.

Concerning Licenſes granted to Recuſants, They deſire His Majeſty may be moved, that none may be granted hereafter.

Concerning the removing of the Popiſh Recuſant Ladies from the Court, they ſay they mentioned no particulars, but ſpoke in the General.

Concerning Penſions, They deſire that the King may be moved, That no Papiſt beyond the Seas may have any Penſion.

Touching that which concerns the Queen they conceive they have had no full anſwer yet.

Concerning their Explanation who are Active Papiſts, they mean thoſe Recuſants that are Rich and have moſt Power in the Countries where they Live, as well Peers as others, which they deſire may be diſarmed according to Law.

Concerning the Popes Nuncio, they ſay the Houſe of Commons are preparing a Bill.

Concerning the Lord Lieutenants and Deputy Lieutenants conſidering the State of this Kingdom as it now ſtands, the Houſe of Commons deſires they may be ſuch Perſons as both Houſes approve of, and that they may be enabled the more for the defence of this Kingdom, there will be a Courſe taken for Supplying them with Monies out of the Subſidies, and the Houſe of Commons deſires that the King may be moved to let them have ſuch Powder out of His Majeſties Stores as may be ſpared, and they will pay after the Rate of ten Pence *per* Pound for it as ſoon as they can get money: and further to move His Majeſty that the Arms which have been taken from the ſeveral Counties may be reſtored to them, and if His Majeſty can ſpare any Arms out of His Store, they will buy them to furniſh theſe Southern parts.

Another Bill for Tonnage and Poundag paſſed the Lords Houſe.

The new Bill for Tonnage and Poundage being read the Third time in the Lords Houſe, and being put to the Queſtion, It was Reſolved to paſs as a Law, *Nemine Contradicente*.

An Order of the Lords for Relief of a Feme-Covert and her Children, againſt a Husband refuſing to Co-habit, *July* 12. 1641.

UPon Report this Day made unto the Houſe from the Lords Committees for Petitions, That *William Walter* was complained of by the Petition of *Elizabeth Walter* his Wife, for refuſing to Co-habit with her, or allow her and her 3 Children Maintenance, and Supportation for their Lively-hoods, although he hath a Good and a Plentiful Eſtate, It was thought fit and ſo ordered, by the Lords in Parliament, That the ſaid *William Walter* ſhall ſettle Lands and Tenements cleared from all former Incumbrances other then Leaſes, whereupon the uſual Rent is reſerved lying in the County of *Pembroke*, upon ſuch Truſtees as the ſaid Mrs. *Walter* ſhall Nominate, to the uſe of her ſelf and her ſaid 3 Children, during the time of her Life.

And Mr. Juſtice *Foſter*, and Mr Juſtice *Heath*'s aſſiſtance to the ſaid Lords Committees for Petitions, are hereby deſired by the Lords in Parliament, to direct the Counſel of the ſaid Mrs. *Walter* what ſecurity ſhall be taken in or out of the Premiſſes, and how and in what manner an Eſtate of and in the Lands and Tenements, or Tithes of the ſaid *William Walter* ſhall be ſetled or charged and chargeable with the payment of ſixty Pounds *per An.* to the uſe of the ſaid Mrs. *Walter* and her 3 Children, the firſt payment whereof to begin at *Michaelmaſs* next enſuing the Date hereof: And in Caſe the ſaid Mr. *Walter*'s Eſtate ſhall encreaſe by the Death of his Mother or Grandmother or otherwiſe, it is their Lordſhips

Pleaſure that the Moiety of the ſame as it ſhall fall and accrew to him, ſhall be ſettled and paid unto the ſaid Feoffees to the uſe of the ſaid Mrs. *Walter* and her 3 Children as aforeſaid by the Advice of the Judges aforenamed.

And further, that if the ſaid *William Walter* ſhall refuſe or delay by the ſpace of a Month next enſuing, to make ſuch ſettlement in manner as aforeſaid, then it is their Lordſhips Pleaſure, that a Sequeſtration ſhall be awarded to ſuch Perſon or Perſons as the ſaid Mrs. *Walter* ſhall nominate, to take and receive ſo much of the Yearly Rent and Profits of the ſaid Lands and Tenements of the ſaid *William Walter* as ſhall amount to ſuch proportions and allowances as aforeſaid, to be anſwered to the ſaid Mrs. *Walter* or her Aſſigns half Yearly for the uſes aforeſaid.

An Order of the Lords concerning a Vicaridge in Sir *Peter Osborn's* Caſe Plaintiff, againſt *Thomas Joyce* Clerk, *July* 12. 1641.

UPon Report this Day made unto the Houſe from the Lords Committees, for Petitions in the Cauſe of Sir *Peter Osborn* Knight Plaintiff, and *Thomas Joice* Clerk, it appeared unto their Lordſhips, That Sir *John Osborn* Knight deceaſed, Father of the ſaid Sir *Peter*, was ſeized in Fee of the Rectory of *Hawnes* in the County of *Bedford*, to which the Advowſon of the Vicaridge did conſiſt only of eight Pounds *per Ann. ſtipend*; That the ſaid Sir *John Oſborn* did in the 9th Year of King *James*, convey the Inheritance of the ſaid Rectory and Vicaridge, together with a new Houſe built upon his own Land, to the now Biſhop of *Durham*, Sir *Thomas Cheek* and others, for the Increaſe of Maintenance of ſuch Vicar or Vicars, as ſhould be nominated by the ſaid Sir *John* or his Heirs.

But before the Gift, Sir *John* puts in Mr. *Brightman*, and Mr. *Wilſon* ſucceſſively, who injoyed the ſaid Houſe and Tythes, and after the Gift, nominated Mr. *Sherley* who was only Licenſed by the Biſhop, but never Inſtituted or Inducted: After the Death of the ſaid Mr. *Sherley*, the ſaid Sir *Peter Osborn* nominated Mr. *Buckley* who was Licenſed by the Biſhop, without being inſtituted or Inducted, the Defendant *Joyce* obtains a Preſentation by *Lapſe*, and gained a Decree in Chancery for the Rectory Houſe and Tythes; againſt which Decree Sir *Peter Osborn* objected, that the Donor intended the ſaid Rectory to him only, that was to be nominated by himſelf or his Heirs, and could not intend it to any that came in by *Lapſe*, it being then in *Lapſe* when his Gift was made, which was denied by the Defendant, and affirmed that it was intended to the Incumbent whoever he was, otherwiſe the Charity of the Donor would be overthrown. Whereupon the Decree and Deed of the ſaid Sir *John Osborn* was produced and read before the ſaid Lords Committees, who after long Debate by Councel on both Sides were fully ſatisfied, That the Donor intended it to none, but ſuch as ſhould come in by the Nomination of him or his Heirs;

Whereupon it is Ordered and Adjudged by the Lords in Parliament, That the ſaid Lay Fee Rectory and Houſe, together with all the ſaid Donors Gift, ſetled by the ſaid Deed, ſhall by virtue of this Order go to ſuch Clergy-Man, or Men as the ſaid Sir *Peter Osborne*, and his Heirs ſhall Nominate and Appoint, according to the meaning of the ſaid Donor and no other. And that the Defendant *Joyce* that came into the Vicaridge by *Lapſe*, ſhall have no Advantage of the Gift ſo made by Sir *John Osborne*; but ſhall forthwith upon Notice hereof relinquiſh the ſame, and ſhall alſo Anſwer to the Feoffees, for all the Profits of the ſaid Houſe and Rectory by him taken ever ſince the ſaid Decree; and if the ſaid Defendant *Joyce* conceives he hath any Right, he is left to try the ſame at the Common Law, without taking any advantage of the ſaid Decree, or of any thing done by Sir *Peter Osborne* in Obedience to the ſaid Decree.

A Meſſage was brought from the Houſe of Commons by Sir Henry Vane Junior, *to deſire that the Bill for Tonnage and Poundage, may be delivered unto them, to be brought up and preſented by their Speaker, with the Commiſſion under the Great Seal annexed.*

Meſſage from the Commons about the Bill of Tonage and Poundage.

THeir Lordſhips taking this into Conſideration, and peruſing the Commiſſion found by the Tenor of the ſaid Commiſſion, that the Bill of Tonnage and Poundage could not paſs the Royal Aſſent, by virtue of this Commiſſion, if they

were

July, 1641.

were ſeparated, therefore to avoid all Ambiguities, Reſolved to ſend ſome Lords, to deſire His Majeſty would be pleaſed to come in Perſon to give the Royal Aſſent to the ſaid Bill:

Bill for Tonnage and Poundage paſſed the Royal Aſſent.

Hereupon the E. *Bath*, E. *Eſſex*, E. *Cambridge*, E. *Briſtol*, went preſently to attend his Majeſty therein, who brought this Anſwer, *That the King will be here preſently.*

His Majeſty being come and ſatt in the Chair of State, the Commons were ſent for, who came, and by their *Speaker* preſented the Bill for *Tonnage* and *Poundage*; then the Clerk of the Crown read the Title of the ſaid Bill, and the Clerk of the Parliament pronounced the Royal Aſſent thereunto in theſe words,

Le Roy remerciant ſes bons Subjects accepte
Leur Benevolence et ainſi le veult.

Munday, July 12. Order for Afternoon Sermons in all Parochial Churches.

It was this day Ordered in the Commons Houſe, *That in all Parochial Churches of* England *and* Wales *where there is on the Lords Day no Preaching in the Afternoon, if the Miniſters will maintain a Conformable Lecturer at their own Charge, the Parſon or Vicar ſhall give way to it, unleſs he will Preach himſelf.*

Ordered, That this Houſe doth Aſſent, That the Speaker *of the Houſe of Lords, ſhall preſent unto his Majeſty in the Name of both Houſes, the humble Advice of both Houſes concerning the* Manifeſto.

His Majeſty having appointed both Houſes to attend him at the Banquetting-Houſe in *Whitehall* at Three of the Clock in the Afternoon, they accordingly attended, where the *Manifeſto* and the Parliaments proceedings upon it were read, which were as follows:

The King's *Manifeſto* about the *Palatinate*.

“CHARLES, By the Grace of God, King of Great *Britain*, *France*, and *Ireland*, Defender of the Faith, &c. To all to whom this preſent *Manifeſto* ſhall come, Greeting.

“TO the end that the Endeavours of Our late Dear Father, King *James*, of Bleſſed Memory, and Our Own Proceedings ſince his Death, in the Cauſe of Our Dear and Onely Siſter, Brother in Law, and Nephews, Electors and Princes *Palatine* of the *Rhine* may not be forgotten, or pretendedly unknown, wherein We have ſtudied and laboured nothing more than Peace of Chriſtendom, and the avoiding the effuſion of Innocent Blood, by ſeeking the Reſtitution and Re-Eſtabliſhment of the Electoral Houſe Palatine, in their Ancient Rights, Dignities, and Poſſeſſions within the Empire, out of which they have been by Violence, and Force of Arms, and other undue Proceedings, expelled and baniſhed, contrary to the Ancient Laws and Conſtitutions of the Sacred Empire; We have thought fit, for the Vindication of Our Own Honour, to call to mind, and to publiſh to all the World, both a Summary Relation of Our Actions and Endeavours paſt, and Our preſent Reſolutions in the ſame Cauſe.

“IT cannot be unknown to all the Princes and Eſtates of *Europe*, and more particularly to thoſe who have had any intereſt or relation to the Publick Affairs of *Germany*, how both Our Self, and Our Father,

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July, 1641.

“have, during theſe Twenty Years paſt, by many and ſeveral Ambaſſages, Treaties, and other Negotiations, to Our great Expence and Charges, both with the late Emperour *Ferdinand*, the King of *Spain*, and other Princes and Eſtates of the Empire, endeavoured by all Friendly and Treatable means, to procure the Reſtitution and Re-Eſtabliſhment of Our ſaid Dear Siſter, Brother-in-Law, and Nephews, in their Ancient Rights and Poſſeſſions, as the only and poſſible way to ſettle a good and firm Peace in the Empire, and conſequently with all Princes intereſſed therein; without which it is impoſſible to expect or hope for a good, durable and honeſt Pacification of thoſe Troubles which have already, almoſt, rent and conſumed, and involved all the Princes of Chriſtendome in a moſt Bloody and Deſtructive War.

“And for a clear Demonſtration of Our ſincere Intentions, not only Our own Pious Inclination, and Care of the Publick Peace, hath induced Us to omit divers Occaſions, whereby we might by ſuch Power as God hath put into Our Hands, have prevented the Violences and Oppreſſions uſed to Our ſaid Siſter and Nephews. But We have been led on, and invited thereunto by divers Promiſes, Aſſurances and Reverſal Letters, both from the late Emperor and King of *Spain*, and other Uſurpers of the Inheritance of the Electoral Houſe *Palatine*, that they would at laſt in Contemplation of Our Mediation, hearken and incline to a Juſt and Honeſt Peace, by the Reſtitution of the Eſtates and Dignities of Our dear Siſter and Nephews, whereby we have been drawn, not only to paſs by Our own, and the Publick Intereſt, and to forbear to Engage Our Arms in ſo juſt a Cauſe, but alſo have procured by Our Fathers, and Our Authority, the withdrawing and diſbanding of the Forces of Count *Mansfelt* out of the *Palatinate*, and advanced divers Truces and Ceſſations of Hoſtility or Defence, only to prepare the Way of amiable Compoſition, according to the Hopes and Promiſes to that end given Us, and particularly have cauſed the Surrender and Depoſition of ſome Places of Strength, into the Hands of the late *Infanta* of *Spain*, upon reciprocal Aſſurances of a final Pacification or Reſtitution.

“But what Effects all theſe Our Peaceable and Chriſtian Endeavours have produced, and how all Our Pious Negotiations have been either delayed or deluded; thereby and by proceſs of Time, to root and Eſtabliſh the Uſurpations of the Houſe *Palatine*; and Our Patience and Piety thereby abuſed, is ſo manifeſt by the continual Oppreſſion of Our ſaid dear Siſter and Nephews; that We are forced to Proteſt that there hath nothing ſucceeded either to Our Deſires, or Hopes, but a Reſolution of Deſpair of ever obtaining by the Ways of Juſtice, Treaty, or Amity, that which hath been ſo often promiſed to, and expected of the Lovers of Chriſtian Peace.

“Notwithſtanding We having lately received Advice from Our dear Uncle, the King of *Denmark*, that at laſt by his Mediation and Procurement, the preſent Emperour and Duke of *Bavaria*, have condeſcended to a Treaty, to be held at the Diet at *Ratisbone*, upon the ſixth Day of *May* laſt paſt, for the Reviewing and the Reſetling of the Controverſies of the Houſe *Palatine*, as a Preparation and Inducement to a General Peace and Amneſtia through the whole Empire; And that he with ſome of the Electors of the Empire, is accepted as Mediator of the ſaid Cauſe, and hath received ſtrong and pregnant Aſſurances of a better Inclination and Diſpoſition toward

the

July, 1641.

"the re-eſtabliſhment of the Electoral Family in their Rights and Dignities; And to that end hath procured convenient ſafe Conduct from "the Emperor, to Our Nephew and His Brethren, freely to come in "Perſon, or to ſend their Deputies to that Diet at the Time and Place "appointed; with all other Clauſes requiſite for their Safeties, Going, "Abiding or Coming from thence; and there to plead the Juſtice of "their own Cauſe: and that in Proſecution thereof, he hath Inſtructed "and Diſpatched His Ambaſſadors to aſſiſt either in Perſon, or by the "Deputies of Our Nephews at the ſaid Treaty of Pacification; and "hath deſired Us herein, to Comply with him, by ſending Our Ambaſſadours Qualified and Inſtructed to the ſame Purpoſe of procuring a Good and Setled Peace within the Empire, according to the "Intimation of the Princes Electors ſignified to Him by their Letters, thereby deſiring Us to Aſſiſt in the preſent Aſſembly at *Ratisbone*.

"To which end, Our Nephew the Prince Elector *Palatine*, having "reſolved by Our Counſell and Advice, to ſend his Deputies according "to the Invitation and Hopes, intimated of a good Iſſue to be expected "by the amiable way of Treaty and Compoſure.

"We have alſo thought fit not to be wanting to ſo good a Deſign, ſo "concurrent to Our own, and the Deſires of ſo many Princes, and in "ſome Hope of better Fruits then hitherto all Our Endeavours have "produced; Have reſolved to make this Our laſt Tryal by the way of "Treaties, and to ſend Our Ambaſſador to the Emperor, and other "Princes in the ſaid Diet Aſſembled: And to that purpoſe have given him full Power and Inſtructions, to contribute all Our Authority to the Procurement and Setttlement of a good and bleſſed Peace, "by the reeſtabliſhment and reſtitution of the Poſſeſſions and Dignities "of our ſaid dear Siſter, Nephews, and Electoral Family, without which "no Peace can either be honeſt or ſecure: Hereby Exhorting and Deſiring all other Kings, Princes and States, our Friends, Allies and "Confederates, who ſhall either be preſent at the ſaid Diet, or ſhall "have their Ambaſſadors, or Deputies there, that they will be aſſiſting to the Juſtice of ſo good a Cauſe, and to ſo great a Bleſſing, as "the reſtoring of Peace, to the almoſt deſolate Eſtate of *Germany*.

"But becauſe We may have juſt Cauſe to doubt by many Experiences of Our former Endeavours, that the Iſſue and Fruit of this "meeting may not be anſwerable to Our juſt Expectation; but rather "that it may produce contrary Effects, to the prejudice of the Juſtice "and Rights of Our ſaid Nephews and their Family (which God forbid) we are hereby forced to proteſt againſt all Acts, Sentences, Concluſions, or Determinations whatſoever, which ſhall or may be had, "made or declared, either in Confirmation of the Oppreſſions and "Uſurpations paſt, or any Additions thereunto for the future, as invalid, and of no power or effect.

"In which Caſe (being contrary to Our deſire and expectation) We "alſo further proteſt and declare, that We will not abandon neither "Our own, nor the Publick Intereſt, nor the Cauſe, Rights and juſt "Pretences of Our dear Siſter and Nephews, and other Princes and "States involved within their Oppreſſions. But that We will uſe and "employ all ſuch force and power wherewith God hath enabled Us, "both by Our own Arms, and the help and aſſiſtance of all Our Allies "and

July,
1641.

“and Friends, to vindicate Our own Honour, the Publick peace, and redreſs of the Injuries, Uſurpations, and Oppreſſions of Our ſaid deareſt Siſter and Nephews, and their Illuſtrious Family.

“And hereby as we do profeſs to uſe all our endeavour and Power to promove a happy and deſired Peace, for the Conſolation of the diſtreſſed Empire; ſo We do appeal to Almighty God, the Inſpector of the Hearts of all Princes; and to the World, the Spectator of all Our juſt Actions, that We will be innocent, before God and the World, of all the Evils that may enſue, if theſe Our laſt Hopes ſhall be delayed or abuſed.

“*His Sacred Majeſty of Great* Britain, *being reſolved, in Caſe this his laſt Endeavor by his Extraordinary Ambaſſador, ſent to the Diet at* Ratisbone, *for a friendly Accommodation of his Nephew, the Prince Elector Palatines Affairs, ſhould prove fruitleſs, to have his ſaid Embaſſy, without further loſs of Time, ſeconded by more powerful and effectual means, went to His Parliament on the Fifth day of* July *laſt, and there (after the diſpatch of ſome other Affairs) preſented the above written* Manifeſto, *with theſe Words*;

“I Take this occaſion to preſent to both Houſes, That, whereby I hope all the World ſhall ſee that there is a good Underſtanding between Me and My People; It is concerning My Nephew, the Prince Elector Palatine; who having deſired Me, by the Advice of the King of *Denmark*, to aſſiſt him in a Treaty, for his Reſtauration, at the Diet now held at *Ratisbone*, by the Emperour, I could not but ſend My Ambaſſador for that purpoſe, though I much doubt that I ſhall not have ſo good an Iſſue of it, as I wiſh: The which My Nephew foreſeeing, hath deſired Me, for the better Countenancing of his Juſt Demands, to make a *Manifeſto* in My Name; which is a thing of that Conſequence, that if I ſhould do it alone, without the Advice of My Parliament, it would be of much leſs force. Therefore I do here propoſe it unto you. That by your Advice I may do it: for that way I think it moſt fit to be publiſhed in My Name.

“T*He ſaid* Manifeſto *concerning the Reſtitution of the Electoral Palatine Family, having been Seriouſly Conſidered by both Houſes, They togethe rcame to his Majeſty in the* Banquetting-Houſe, *on the Twelfth of* July *laſt, where the* Speaker *delivered the ſaid Houſes their Opinion and Reſolution, in this manner*:

“YOur Majeſty in your Royal Perſon was pleaſed to recommend this *Manifeſto*, touching the *Palatine* Cauſe, to be read in full Parliament, and to be adviſed of by both Houſes.

“Both the Houſes have ſeriouſly conſidered of it, and have commanded Me, to preſent theſe their Humble Advices unto your Sacred Majeſty, which are expreſſed in this Declaration, which hath paſſed the Votes of both the Houſes, and which I am commanded to read unto your Majeſty,

Dei Mercurii, 7 Julii, 1641.

Reſolved upon the Queſtion; “That this Houſe doth approve of His Majeſties Pious Intentions in the behalf of His Royal Siſter, and His

“ Nephew, the Prince Elector Palatine, and the reſt of the Princes of
“ that Family, and of the publiſhing this *Manifeſto* to that purpoſe;
“ and that this Houſe will be ready to give His Majeſty ſuch advice
“ and aſſiſtance therein by Parliament, as ſhall ſtand with the Honour
“ of His Majeſty, and the intereſt and affections of this Kingdom, if the
“ preſent Treaty ſhall not ſucceed.

Die Sabbathi 10 Julii 1641.

“ *Reſolved in like manner upon the Queſtion by the Houſe of Peers,*
“ That they do concur in this Vote with the Houſe of Commons.

“ I am likewiſe Commanded to preſent the humble deſires of both
“ the Houſes of Parliament.

“ That Your Majeſty will be pleaſed to recommend this *Manifeſto* to
“ the Parliament of *Scotland*, to have the Concurrence of that King-
“ dom.

“ T*Hus much was delivered by the Speaker of the Houſe of Peers,*
“ *both Houſes then attending His Majeſty in the Banquetting-*
“ *Houſe at* White-Hall*: To which His Majeſty was graciouſly pleaſed to*
“ *make them this Anſwer.*

“ WE take very thankfully the Concurrent Advices of both the
“ Houſes of Parliament, in ſo great and pious a Work, decla-
“ red in theſe Votes and Reſolutions, which you have read unto
“ Us.

“ We will alſo take care to recommend this *Manifeſto* unto the Par-
“ liament in *Scotland*, to have the Concurrence of that Kingdom, which
“ We doubt not but they will perform.

Mr. Treaſurer reports in a Paper His Majeſty's Anſwer to the Third of the Ten Heads preſented in the Painted Chamber, *in hæc verba.*

The Kings Anſwer to the 3d of the 10 Propoſitions about ill Counſellors.

M*Y Anſwer is, That I know of none, the which Methinks ſhould both ſatisfie and be believed; I having granted all hitherto demanded by Parliament: Nor do I expect that any ſhould be ſo unadviſed, as by ſlander or otherwiſe to deter any that I truſt to in my Publick Affairs from giving me Counſel, eſpecially ſince freedom of Speech is always demanded and never refuſed to Parliaments.*

This Gracious Prince was ſo unwilling to diſoblige, even by any Caſual Word that might bear a hard Conſtruction, that His Majeſty immediately ſent a Second Paper in theſe Words: Which was delivered at a Conference by the Earl of *Bath* to the Commons.

T*Heſe are to ſignifie to this Houſe, That whereas He ſent an Anſwer this day to both Houſes concerning the Third Head, leſt there ſhould be any miſtake upon the word* Slander, *His Majeſty declares he did not mean all of either Houſe of Parliament, or any Members thereof.*

Order of the Lords about the Arch-Biſhops paying Poll-Money.

Upon the Reading of the Petition of the Arch-Biſhop of *Canterbury* concerning his payment of Poll-mony, It was Ordered, *To be left to be paid according to the Act of Parliament.*

The Houſe for freer Debate was put into a Committee to conſider of the Court of *York*, and to give judgment herein; and after much Debate the Houſe was reaſſumed, and it was

Reſolves of the Lords concerning the Court at *York*.

Reſolved upon the Queſtion by the Major Part, *That the Commiſſion and Inſtructions, whereby the Preſident and Council of the North exerciſe a Juriſdiction, is Illegal both in the Creation and Execution.*

Reſolved, &c. *That this Commiſſion and Inſtructions is unprofitable to His Majeſty.*

Reſolved upon the Queſtion, Nemine Contradicente, *That this Commiſſion and Inſtructions is inconvenient and grievous to His Majeſties Subjects of thoſe Parts.*

Reſolved upon the Queſtion, Nemine Contradicente, *That this Houſe doth joyn with the Houſe of Commons in beſeeching His Majeſty, that the Preſent Commiſſion and Inſtructions may be revoked, and no ſuch granted for the Future.*

A *Salvo* for the Judges of the Court of *York*.

MEmorandum, *This Houſe doth declare, ſeeing the Commiſſion and Inſtructions of the Court of* York *is Illegal in the Creation and Execution, that the former Judges in the Court of* York, *who have given Judgement, and proceeded as they thought in their Conſciences upon True and Legal Grounds, ſhall not be liable to be Queſtioned, but in caſe of Injuſtice; and that none in that Caſe ſhall be barred of their Appeal. And if it appear that there is a Neceſſity for the Eaſe of that Country to have a Court, this Houſe will adviſe with the Houſe of Commons, how one may be Eſtabliſhed by Law, for the Eaſe of thoſe Parts.*

And the Earl of *Eſſex*, Earl of *Briſtol*, Viſcount *Say* and *Seal*, Biſhop of *Lincoln*, Lord *Wharton*, Lord *Kimbolton* were appointed to prepare Heads for a Conference with the Commons concerning the aforeſaid Particulars, that ſo the Perſons that were Judges, and the Acts of that Court may have a Saving for them.

If humane Bodies and Minds are ſubject to the ſecret Influences of the Heavenly Bodies, certainly *England* and the reſt of the *Brittiſh* Dominions, were at this time under the Aſpects of ſome Violent and Malignant Configurations, and there ſeemed to be an Univerſal Inclination in the People every where to Tumults, Mutinies, Violence and Injuſtice, the Lords Houſe was full of Complaints of the Diſorders of this Nature, throwing up Incloſures, and diſturbing the Poſſeſſions of others, and that not ſingly, but by Multitudes, and with ſuch Arms as Ruſticks are wont to make Uſe of upon ſuch Occaſions of their Madneſs: And of this the Lords were ſo ſenſible, that they made this following Order.

Order of the Lords concerning Violent and Tumultuous breaking into Poſſeſſions. *July* 13. 1641.

WHereas daily Complaints are made unto this Houſe of violent breaking into Poſſeſſions, and Incloſures in Riotous and Tumultuous manner in ſeveral parts of this Kingdom, without any due proceedings by Courſe of Law to warrant the ſame, which hath been obſerved to have been more frequently done ſince this Parliament began, then formerly, it is thought fit and ſo Ordered by the Lords in Parliament, That no Incloſure or Poſſeſſion ſhall be Violently and in a Tumultuous manner diſturbed or taken away from any man, which was in Poſſeſſion the firſt Day of this Parliament, or before, but by due Courſe and Form of Law, and that ſuch Poſſeſſions of all men ſhall continue and remain unto them as they were on the firſt Day of this Meeting of Parliament, unleſs it have been or ſhall be by ſome Legal way of proceeding in ſome of His Majeſties Courts of Law or Equity, or by ſome Act or Order of the Parliament determined or ordered to the Contrary.

And in all ſuch Caſes where any ſuch unlawful diſturbance of the quiet Poſſeſſion of any man hath happened or ſhall happen, the High Sheriff of the County ſhall have Power by virtue of this Order together with two of the Juſtices of the Peace of the ſaid County next or near to the place, and ſuch other or others as he or they ſhall think fit to take with him or them, to repair unto the place where ſuch Tumults happen to be, and appeaſe and quiet the Poſſeſſion of the ſaid Lands and Incloſures ſo diſturbed as aforeſaid, and ſhall ſee to and cauſe that the Poſſeſſion be continued unto the preſent Owners as aforeſaid, until by a Legal Courſe in ſome Court of Law or Equity, or by order of Parliament it be determined, or Ordered to the contrary.

Report about the Officers of the Star-Chamber.

The Lord Biſhop of *Lincoln* Reported, That the Lords Committees appointed to Conſider of the Petition of the Officers of the Star-Chamber, have fully heard their Cauſe; and they are of Opinion, and do not conceive of any fitter way of Relief for theſe Poor Officers the King's Servants, then to remit them to the King's Mercy, that His Majeſty would be Graciouſly pleaſed to allow a Proportionable Relief for theſe Poor men, out of ſuch Fines as may accrue unto His Majeſty in the High Court of Parliament, to be apportioned by the Lords of the Committees or otherwiſe as their Lordſhips ſhall be pleaſed to approve thereof, and Order it.

Report about the Rioters at St. *Thomas* the *Apoſtle*'s in pulling down the Rails.

Upon Report this Day made unto the Houſe by the Right Honourable the Lord *Seymour*, that the difference between the Pariſhioners of St. *Thomas* the *Apoſtle*, complained of to the Lords in Parliament, was compoſed by his Lordſhip to whom the buſineſs was referred; It is Ordered by the Lords Spiritual and Temporal in the High Court of Parliament Aſſembled, that the ſaid difference together with the Cauſe depending before their Lordſhips, ſhall by virtue of this Order be fully ended and determined, and Laſtly, that *John Blackwell* ſhall for himſelf & others Petitioned againſt, forthwith pay unto the Overſeers of the Poor of that Pariſh upon ſight hereof, to the uſe of the ſaid Poor, the full Summ of ten Pounds of Lawful Money of *England*, and hereof they are not to fail as they will anſwer to the contrary.

Tueſday, July 13.

There being a Report ſpread abroad that His Majeſty intended to ſend the Lord *Digby* abroad under ſome honourable Character, and as was ſaid, Ambaſſadour into *France*; his Enemies in the Houſe of Commons being extreamly nettled at it, were reſolved, if poſſible, to ſet a brand of Infamy upon his Lordſhip, and therefore not content to have diſgracefully Expelled him out of their Houſe, they revived his Dormant Speech concerning the Attainder of the Earl of *Strafford*: And notwithſtanding that tender point of freedom of Speech, which he might well plead as a Member of that Body, where it is allowed to all Men to ſpeak according to their Conſcience, yet upon the Debate of it they proceeded to theſe Votes.

Votes about the Lord *Digby*'s Speech againſt the Bill of Attainder of the E. of *Strafford*.

Reſolved, &c. *That the Lord* Digby'*s Speech upon the Bill of Attainder of* Thomas *late Earl of* Strafford, *contains matters Untrue and Scandalous, and that the Printing and Publiſhing of it is a Crime.*

Reſolved, &c. *That Sir* Lewis Dives, *and* John Moor, *and* Thomas Parſton *the Printer are Delinquents for Printing and Publiſhing the ſaid Speech.*

Ordered to be burnt by the Common Hangman.

Ordered, *That the Lord* Digby'*s Speech be burnt by the hand of the Common Hang-man, on* Friday *in the* Palace-Yard, Cheapſide, *and* Smithfield;

July, 1641.

field ; *And that theſe Votes be tranſmitted to the Lords for their Concurrence ; and that the Lords be moved to joyn with this Houſe to Petition His Majeſty, That he would be pleaſed to forbear to confer any honour upon the Perſon of the Lord* Digby, *who hath deſerved ſo ill of the Parliament.*

Wedneſday, July 14. The firſt Printing of the Orders of the H. of Commons.

An Order for the ſpeedy raiſing the Mony for disbanding the Army according to the Act of Parliament, was this day Ordered by the Houſe of Commons to be Printed by the King's Printers.

The Order following, about the Lord *Digby*'s Speech, to be preſented to their Lordſhips at a Conference.

Orber about the L. *Digby*'s Speech.

W*Hereas upon the* 21 *of* April *laſt paſt, there was a Speech ſpoken in the Houſe of Commons at the paſſing of the Bill of Attainder of* Thomas *Earl of* Strafford, *by the Lord* Digby *then a Member of the ſaid Houſe ; the which Speech contained in it matters Untrue and Scandalous, as they have reference to the Proceedings of the Committees of the Lords Houſe, and this ; and to the Evidence of the Witneſſes produced in that Cauſe : And whereas the ſaid Speech was publiſhed by the Lord* Digby, *after the ſaid Bill of Attainder was paſt by Vote in this Houſe, and after that great offence was taken to the ſaid Speech, and the ſame queſtioned in the Houſe, to the ſcandal of the Proceedings of this Houſe ; and is ſince come forth in Print to the ſcandal of the Proceedings of His Majeſty and both Houſes of Parliament : It is therefore this day Ordered by the ſaid Houſe, That all the ſaid Books ſo Printed ſhall be publickly burnt on* Friday *next, part of them in the New* Palace-Yard *at* Weſtminſter, *the other part of them in* Cheap-ſide, London, *and the reſt in* Smithfield, *by the hands of the Common Hang-man. And to that purpoſe the Bailiff of* Weſtminſter, *and the Sheriffs of* London *and* Middleſex *reſpectively, are hereby required to be Aſſiſtant to the effectual Execution of this Order, and ſee the ſaid Books burnt accordingly. And it is alſo Ordered by the ſaid Houſe, That the Maſter and Wardens of the Company of* Stationers, *do their utmoſt endeavours to collect all the ſaid Books into their hands, remaining now diſperſed among their Company and others, and forthwith deliver them to one of the Sheriffs of* London *to be burnt according this Order. And all others who have any of the ſaid Books, are hereby required forthwith to deliver them to one of the Sheriffs of* London *or Bailiff of* Weſtminſter, *as they will undergo the diſpleaſure of this Houſe in doing the contrary, to be burnt according to this Order.*

The ingroſſed Articles againſt the Biſhop of *Ely* were read.

Mr. *Whittacre* releaſed from the Tower.

Upon his Petition and Submiſſion to the Houſe Mr. *Whittacre* was this day diſcharged from his Impriſonment in the Tower.

Pym Reports the Conference about the Q. Journey to the *Spaw*.

Mr. *Pym* Reports the Conference with the Lords about the Queen's Journey. That the Lords had agreed to the Propoſitions, and had reſolved to ſend a number of their Houſe to deſire His Majeſty to be pleaſed to appoint ſome time, when ſuch a certain number of both Houſes as he ſhall think fit may attend him touching this buſineſs ; and that if he pleaſe the Queen to be preſent.

The Lords appointed to wait upon the King, to know his pleaſure herein, were Lord Steward, Lord Chamberlain, Earl of *Bath*, Earl of *Bedford*, and Earl of *Eſſex*:

July, 1641.

An Act for the Confirmation of the Subſidies granted by the Clergy, was this day read; the Bill was once read, the Preamble and Confirmation was read 3 times: And afterwards being put to the Queſtion, it was conſented to paſs *Nemine Contradicente*.

Bill of Subſidies granted by the Clergy, paſſed the Lords and carried down to the Commons.

Then the Confirmation being Subſcribed by the Clerk of the Parliament *Soit baille aux Comuns*, it was ſent down to the Houſe of Commons by Serjeant *Whitfield* and Serjeant *Finch* to paſs there.

Thurſday July 15.

A Meſſage from His Majeſty by the Lord Chamberlain to acquaint the Lords, that he appoints to meet both Houſes at Four of the Clock this day in the Banquetting-Houſe about the Queen's Journey, which was at a Conference communicated to the Commons.

Heads of the Addreſs to ſtop the Queens Journey.

“Your Majeſties Loyal Subjects the Lords and Commons taking notice of an Intention of the Queen's Majeſty to paſs beyond the Seas, whereby the Kingdom will be deprived of the comfort of Her Majeſties preſence; they have thought good to expreſs their humble Duties and Affections to Your Majeſty, and to the Royal Perſon of the Queen, in ſome Conſiderations which they do now preſent unto You, as they conceive very important for the good of this Kingdom, and the ſafety and contentment of Her Majeſty, whoſe Honour and Happineſs ſhall always have a chief place in their Eſtimation, which Conſiderations are theſe following.

I.

“First there is great Cauſe to doubt leſt the Papiſts have ſome Deſign upon Her Majeſties Journey, becauſe the Houſe hath been informed, that divers of them have ſold off their Lands to a great value, and uſed other means to get ready mony.

2. “It is obſerved ſome of them have been very diligent, gathering great quantities of Gold.

3. “It is informed that more then ordinary numbers of Papiſts are gone beyond Sea already, and thoſe of the better ſort.

II.

“The great number of *Engliſh* Fugitives now beyond the Seas, who by their late Deſigns and Practices are known to be full of Malice to the State, and will no doubt ſeek all opportunities of acceſs to Her Majeſty, and as much as they can labour to infuſe into her, ſuch evil Counſels as may trouble the Peace of the Kingdom, whereof at this time there is more danger, becauſe the Affairs of the Kingdom are not yet fully ſetled, and upon the Disbanding the Army all Parts are like to abound with Soldiers, and ſuch others, as will be apt to be provoked to Tumults and Seditions, eſpecially in the time of the King's abſence in *Scotland*.

III.

“That the Houſe of Commons have received Information of great quantities of Treaſure and Jewels, Plate and Ready-mony packt up, to be conveyed away with the Queen, not only in ſuch a proportion as the preſent occaſions with due reſpect to Her Majeſties honour may ſeem to require, but a far greater quantity; and that divers Papiſts, and others, under the pretence of Her Majeſties Goods, are like to con-

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July, 1641.

“ vey great Sums of Mony and other Treaſure beyond the Seas, which “ will not only impoveriſh the State, but may be employed to the fo- “ menting ſome miſchievous attempts, to the trouble of the publick “ Peace.

I V.

A pretty odd contradiction to the third Reaſon.

“ That as it will be a great diſhonour to the State, if her Majeſty “ ſhould not be Attended and Furniſhed ſuitably to her Quality, ſo it “ will be a very heavy burden in this time of great Neceſſity, and occaſion “ of other publick Charges, if ſhe ſhall be provided in ſo Royal a man- “ ner as ſhall be fit for Her Majeſty, and the Honour of the King and “ Kingdom.

V.

“ That becauſe we underſtand by Sir *Theodore Mayern*, that the chief “ cauſe of her Majeſties Sickneſs and Diſtempers proceed from ſome “ diſcontent of her mind; the Houſe of Commons have thought good “ to declare, That if any thing within the power of Parliament can “ give Her Majeſty contentment, they are ſo tender of her health, both “ in due reſpect to His moſt Excellent Majeſty and Her Self; that they “ will be ready to further her ſatisfaction in all things, ſo far as may “ ſtand with that Publick, to which they are obliged.

VI.

“ That the Houſe of Commons conceive it will be ſome diſhonour to “ this Nation, if Her Majeſty ſhould at this unſeaſonable time go out “ of the Kingdom, upon any Grief or Diſcontent received here, and “ therefore they ſhall labour by all good means to take away and pre- “ vent all juſt occaſion of Her Majeſties trouble, in ſuch manner as may “ further Her Content, and therein Her Health, which will be a very “ great Joy and Comfort both to them and the reſt of His Majeſties “ loving Subjects to ſee.

“ All which they humbly recommend to Your Majeſties Princely “ Wiſdom, beſeeching Your Majeſty, that by Your allowance they “ may repreſent their humble deſires at ſuch time, and with ſuch num- “ ber of both Houſes, as Her Majeſty ſhall pleaſe to appoint.

Friday, July 16.

Six Lords and Twelve Commoners appointed to attend Her Maje- ſty at Three of the Clock this Afternoon.

Mr. *Hollis* Reports the Conference with the Lords about what was to be offered to the Queen to put off her Journey, which was as follows.

The Meſſage ſpoken to the Queen about her Journey.

THe Lords and Commons taking notice of Your Majeſties Intention to paſs the Seas by reaſon of Your indiſpoſition, whereby the Kingdom will be deprived of Your Majeſties preſence, and divers other great Inconveniences to the State may thereupon enſue; which yeſterday both Houſes of Parliament did moſt humbly repreſent unto the King, and withal Petitioned for this Acceſs unto Your Majeſty, that ſo they might expreſs unto Your Self their hearty ſorrow for Your Majeſties Sickneſs, and moſt earneſt deſires to perform any Duty whereby they may be ſerviceable for the Recovery of Your Majeſties Health: And becauſe they have been informed by Sir Theodore Mayern *that this indiſpoſition proceeds from ſome*

ſome inward diſcontent of Mind, the Lords and Commons have thought good to declare, that if any thing within the Power of Parliament may give your Majeſty contentment, they are ſo tender of your Majeſties Health, both in due reſpect to His Majeſty and Your Self, that they will be ready to further your Majeſties Satiſfaction, in all things ſo far as may ſtand with the Publick Truſt, to which they are obliged.

And beſides, they humbly conceive, that it may be ſome diſhonor to this Nation, if your Majeſty ſhould in this unſeaſonable Time go out of the Kingdom, upon any Grief or Diſcontent received here: and therefore they ſhall labor by all good Means, to take away and prevent all ſuch juſt Occaſions of your Majeſties trouble in ſuch manner, as may farther your Majeſties Contentment, and therein your Health, which will be a very great Comfort and Joy to themſelves and the reſt of His Majeſties loving Subjects.

Saturday July 17. Ordered to ſtop a Suit againſt Mr. *Pym.*

It was this day Ordered, *That Mr.* Pym *being ſued for* Tithe *Wood, ſhall have the Priviledge of Parliament, and that* Lewis Luſhford *and others, the Solicitor and Attorney on the other ſide, be hereby enjoyned to forbear to Proſecute, or further to proceed in that Suit, or any other that concerns the ſaid Mr.* Pym.

Mr. *Hollis* Reports the Queen's Anſwer in *hæc verba.*

The Queens Anſwer to the Lords and Commons.

I Give many Thanks to both Houſes of Parliament, for their great Care of my Health, and their Affections to Me, hoping I ſhall ſee the Effects of it. Truely nothing but my Health, could have made Me to reſolve of this Journey, and if I thought I could ſerve the King and this Kingdom with the hazzard of my Life I would do it, and I hope you believe I have ſo much Intereſt in the Good of this Kingdom, that I ſhall never wiſh any thing to the prejudice of it.

You will Pardon the imperfectneſs of my Engliſh, I had rather have ſpoken in an other Language, but I thought this would be moſt acceptable.

The Perſons that pulled down the Railes in St. *Saviors* Church releaſed.

It was this Day in the Houſe of Lords Ordered, *That thoſe Perſons that were ſentenced by the Houſe, for Violently breaking down the Railes in the Pariſh Church of St.* Saviors Southwark, *ſhall upon their Petition to this Houſe deſiring their Lordſhips Favor, and humbly acknowledging the Sentence of this Houſe to be Juſt, upon them their Miſdemeanors in that Buſineſs, be releaſed out of their preſent Impriſonment for the ſame. And in regard they are of that Poverty, that they are not able to ſet up the Railes again at their own Charges, this Houſe doth remit that part of the Sentence.*

3 Bills brought up by Sir *John Holland*, 1 for ſecuring Proteſtant Religion, &c.

A Meſſage was brought from the Houſe of Commons by Sir *John Holland*, who preſented three Bills which had paſſed that Houſe.

(1) *An Act for the Security of the true Religion, which they deſired Expedition of.*

(2) *An Act concerning the Limiting and bounding of Forreſts.*

(3) *An Act for* John Eggars *Free-School at* Acton *in the County of* Southampton.

And to deſire a Conference by a Committee of both Houſes, at ſuch time as their Lordſhips ſhall pleaſe, touching the tranſmiſſion of the Charge againſt Biſhop Wren, *and concerning* Inego Jones *for pulling down St.* Gregories *Church.*

July, 1641.

Monday *July* 19 Meſſage from the King about a Prieſt of the *Venetian* Ambaſſadors.

Mr. *Pym* reports from the Committee for the 10 Propoſitions, a Paper being a Meſſage from the King in *hac verba.*

His Majeſty hath commanded Me to tell you, that upon a Complaint of the *Venetian* Ambaſſador for the impriſoning of a Prieſt, being His Majeſties Subject, he thinks fit that theſe two Things be done.

Firſt, That all Ambaſſadors ſhould have it declared to them in His Majeſties Name, that they retain no Prieſts Natives of any of His Majeſties Dominions.

Secondly, That the Prieſt belonging to the *Venetian* Ambaſſador, be preſently ſent out of the Kingdom, and not to return again, but at his Peril.

This Favour His Majeſty thinks fit to ſhew the *Venetian* Ambaſſador, ſeeing the particular Perſon, as His Majeſty is informed, hath been his Servant theſe three Years, and was brought over with him when he came; the Ambaſſador being ignorant of the Laws of the Kingdom.

Whereupon it was Ordered, That the Committee of Ten, inform themſelves of the truth of the Ambaſſadors Complaint, and the State of the Caſe.

Bill about the Marches of *Wales.*

A Meſſage was brought from the Commons by Sir *Robert Harlow*, who alſo brought up a Bill which had paſſed that Houſe, for freeing five Counties from the Juriſdiction of the Marches of *Wales.*

Bill for Billet Money, &c.

Mr. *Bellaſis* alſo brought up another Bill, which had paſſed the Houſe of Commons, Entituled an Act for ſecuring of ſuch Monies, as are or ſhall be due to the Inhabitants of the County of *York*, and the other Counties adjoyning, wherein His Majeſties Army is, or hath been Billetted, for the Billet of the Soldiers of the ſaid Army, as alſo to certain Officers of the ſaid Army, who do forbear part of their Pay, according to an Order in that behalf in the Commons Houſe of Parliament this preſent Seſſion, for ſuch Uſe of their parts as they ſhall forbear.

Five new Heads added to the Ten former Propoſitions *July* 20. 1641.

The Earl of *Briſtol* Reports from the Committee of both Houſes for the Ten Heads, *That the Houſe of Commons have preſented to their Lordſhips five Propoſitions, which they deſire may be added to the other Ten Heads, and that their Lordſhips after Conſideration of them would joyn with them to move His Majeſty therein: the Heads were theſe,* viz.

I.

The Houſe of Commons doth declare, That no Forreign Ambaſſador whatſoever ought to ſhelter or harbor any Popiſh Prieſts or Jeſuits, that are Natives of the Kings Dominions, under pretence of being their Servants or otherwiſe, and that the ſelect Committee of their Houſe for the Ten Propoſitions, ſhall preſent this Declaration to the Committee of this Houſe, to the end that their Lordſhips may joyn with them to Petition His Majeſty, that this may accordingly be obſerved.

II.

That Care may be taken concerning ſeveral Commiſſions, granted for the Levying of Men in Ireland *to the number of Fourteen Thouſand Men, as is informed, and all of them Papiſts, to the end to be tranſported, as is conceived, to Princes not well affected to this Kingdom; and that Popiſh Commanders may not have ſuch Power by Commiſſions, as is of late granted to them.*

III.

Alſo that no Papiſt hereafter may have the keeping of any Caſtle, Fort, Chace, Forreſt, Park or Walk within England *and* Wales, *and that ſuch as are in Poſſeſſion may be outed according to Law.*

IV.

That the King be moved to let the Houſe of Commons have ſuch Gun-powder out of His Majeſties Stores, as may be ſpared, and they will pay after the rate of ten Pence per Pound for it, as ſoon as they can get Monies.

V.

And laſtly, To move His Majeſty, that the Arms which have been taken from the ſeveral Counties, may be reſtored to them, and if His Majeſty can ſpare any Arms out of His Store, they will buy them.

Hereupon the Lords taking theſe five Propoſitions into Conſideration, Ordered, To joyn with the Houſe of Commons humbly to move His Majeſty, that he would pleaſe to Aſſent to them. To this purpoſe Earl of *Eſſex*, Earl of *Warwick*, Earl of *Cambridge*, Earl of *Briſtol*, Viſcount Say and Seal, were appointed to attend His Majeſty for His Anſwer.

Rioters at St. *Olaves* releaſed.

After which *William Smyter*, *William Shepheard*, *Toby Gratwick*, *George Ewer*, *Hugh Barcok*, *Thomas Low*, *George Pitcher* and *Edward Symonds*, upon their Humble Petition and Acknowledgment of their Miſdemeanors in the Tumult at St. *Olaves* and St. *Saviors*, were releaſed from their Impriſonment.

Tueſday, July 20. *French* Ambaſſador deſires to have the Diſbanded *Engliſh* Army for his Maſters Service.

A Conference having been had with the Lords about the *French* Ambaſſadors, deſire to have ſome of the diſbanded Troops Sir *John Culpeper* Reports, That the *French* Ambaſſador had waited upon His Majeſty to deſire, that upon diſbanding of the *Engliſh* Army, he might have liberty to carry ſuch Men over for his Maſters Service, as he could agree with; and that His Majeſty had told him that he would give no Anſwer, till he had acquainted the Parliament with it. Whereupon it was Ordered, That the Houſe ſhould conſider of it on *Thurſday* Morning.

The engroſſed Articles againſt the Biſhop of *Ely*, were this Day carried up to the Lords by Sir *Thomas Widdrington*, who at the reading of them, made this following Oration to blacken the Lawn Sleeves, which was then the greateſt Perfection of Eloquence, and of Religion to be highly uncharitable.

My Lords, I am commanded by the Knights, Citizens, and Burgeſſes now Aſſembled for the Commons in Parliament, to deliver to your Lordſhips theſe Articles againſt the Biſhops of Ely.

May it pleaſe your Lordſhips firſt to hear them read.

Sir *Thomas Widdrington*'s Speech at the reading of the Articles againſt the Biſhop of *Ely*, 20 1641.

MY Lords, Theſe Articles are dipped in thoſe Colours, in which this Biſhop rendred himſelf to the Dioceſs of *Norwich*; they need no Gloſs nor Varniſh. In them you may behold the ſpirit and diſpoſition of this Biſhop; hear the groans aud cryes of the People; ſee a Shepherd ſcattering, (I had almoſt ſaid) devouring his own Flock. He that was deſired to paint *Hercules*, thought he had done enough, when he had made a reſemblance of the Lyons Skin, which he was wont to carry about him, as a Trophy of his Honor.

I will ſay that in theſe you will not find a reſemblance of the Lyons Skin, I am ſure you will find the reſemblance of the Skins (that is to ſay) the tattered and ruin'd Fortunes of Poor Innocent Lambs, who have extreamly ſuffered by the violence of this Biſhop.

In the year 1635, this man was created Biſhop of *Norwich*, he is no ſooner there, but he marcheth furiouſly.

In the Creation of the World, Light was one of the firſt productions; the firſt viſible action of this Biſhop, after his Creation into the See, was to put out many burning and ſhining Lights, to Suſpend divers Able Learned and Conſcientious Miniſters; he that ſhould have been the golden Snuffer of theſe Lights, became the Extinguiſher; and when theſe are taken away, where ſhall poor Men light their Candles?

My Lords, this was not all.

He puts out Lights, and ſets up Fire-brands in their places, Suſpends painful Miniſters, and ſets up Idle Factious and Superſtitious Prieſts, (to uſe their own Language) in their places, yet is it the Fortune of theſe Men at this time, like Rivers in the Ocean, to be buried in the extream activity of their Dioceſan.

He made a Scourge, not of ſmall Cords, but of new Injunctions and numerous Articles, tyed about with a ſtrong twiſt of a Moſt dangerous Oath; and with this he whips not out Buyers and Sellers, but the faithful diſpenſers of the Word, out of their Churches, out of their Eſtates, out of their dear Countrey.

This *Noah* (if I may ſo call him without offence) as ſoon as he entred into the Ark of this Dioceſs, he ſends, nay forces Doves to fly out of this Ark; and when they return unto him, with Olive Branches in their Mouth's of Peaceable and Humble Submiſſions, he will not receive them into this Ark again; unleſs like Ravens they would feed upon the Carrion of his new Invention, they muſt not have any footing there; he ſtands as a flaming Sword to keep ſuch out of his Dioceſs.

My Lords, unleſs he had done this, he could never have hoped to have brought that great Work he undoubtedly aimed at to any perfection.

Whilſt the *Palladium* of *Troy* ſtood, that City was impregnable; the *Greeks* had no ſooner ſtollen that away, but they inſtantly won the City; So then he firſt put out the Candles, then was the opportunity to ſhuffle in his works of darkneſs: he firſt beats of the Watch-men and Seers, then was like to follow that, which the Impiety of ſome was pleaſed to ſtile, *The Piety of the times*.

This being done, He then begins to dreſs out Gods Worſhip according to his own fancy: this he expreſſeth in Injunctions and Directions, the *Minerva's* of his own Brain, we find them ſtiled, *Regales Injunctiones Dom. Epiſcopi:* a Stile too Sacred to Baptize his Brats withal; I ſhall be bold to call them, *Tyrannicas Injunctiones Dom. Epiſcopi:* Stories afford not a more Barbarous Cruelty, then to joyn a Dead and a Living Body together, the one is miſerably killed with the ſtinch of the other.

This Biſhop, who like *Aaron*, ſhould have ſtood between the Living and the Dead, hath joyned to lively Ordinances, many Dead and Venemous Ceremonies, which have no other Life, than what they received from the Breath of his Injunctions, and theſe are preſſed upon the Conſciences, even theſe muſt be obſerved as Moral Laws.

An Arbitrary Government in the Church is more dangerous, more grievous, than that in the State; this is excerciſed upon Mens conſciences, the moſt tender parts, and is the very Pinacle of Tyranny, and of all other moſt intolerable; That blow which will hardly be felt by the Arm, will put out the Eye.

My Lords, in the time of King *Rich.* 1. one of this Man's Predeceſſors, a Valiant Biſhop went into the Holy War; this Biſhop hath raiſed a War at Home, in his own Dioceſs; a War not againſt *Sarazens*, *Barbarians*, *Turks*, or *Infidels*, but againſt good and well diſpoſed People; I know not what ſtile to give this War: without doubt (my Lords) this was no Holy War.

The Weapons of this War-fare were 28 Injunctions, 139 Articles, containing 879 Queſtions.

The Soldiers were Chancellors, Commiſſaries, Officials, Commiſſioners, Rural Deans, *&c.*

Himſelf Commanded in Chief.

The ways of Aſſault and Killing, were by Excommunications, Suſpenſions, Deprivations, —— I ſtay here: *mille modis morimur mortales.*

The Magazine wherein all theſe were Originally hatched and lodged, were the Superſtitious and Malicious Breſt of this Biſhop.

This Dioceſs was the Stage where the direful Tragedies of this War were acted by the ſpace of two years and upwards.

Thus did he trouble *Iſrael* in the time of Peace, nay, by theſe he put ſome of the Chariots and Horſe-men of *Iſrael* to flight, out of theſe he raiſeth a Farm of 500 Pounds for his primary Viſitation; if it be conſidered *cum pertinentiis*, it was not dear, yet well improved, for formerly but 40 Pound in the time of ſome of His Predeceſſors.

Will it pleaſe your Lordſhips with patience, to caſt your Eyes upon the Model of this Biſhop's Zeal, Piety and Religion: Let his affection to Prayer and Preaching, ſpeak for all the reſt.

Firſt, for Prayer. It was his hap to find a Prayer which is no Prayer, pretended to be preſcribed by a Canon which is no Canon, and I mean the 55 Canon ſet forth the year 1603 & no other Prayer muſt be uſed in his Dioceſs before Sermon. That Monſter of conceived Prayer (pardon the expreſſion, it is not my own) ſeemed as bad to him, as a Spell or Charm. It muſt not be uſed upon any occaſion; without doubt he would never have been ſo ſtrait Laced, and ſevere in this particular, if he had but dreamed of that ſtrait which a Miniſter, a Friend of his was put unto by this means; the ſtory is ſhort. A Butcher was gored in the Belly with an Ox, the Wound was cured, the Party deſired Publick Thanksgiving in the Congregation, the Miniſter finding no Form for that purpoſe reads the Collects for Churching of Women.

Next for Preaching. That he is moſt able in his kind, is agreed by all. But that he ever Preached himſelf in his Dioceſs ſaving once, I never heard affirmed by any.

His next care was that others ſhould not Preach too often; if they did, they muſt be put into his black Bill: He changed that golden Sentence of *væ mihi ſi non prædicavero* into *væ aliis ſi predecaverint*; he was ſo far from the practice of St. *Paul*, the great Preacher of the *Gentiles*, who, we read, Preached till mid-night, that there muſt be no Sermons in the Afternoon; there may be, nay, there muſt be ſports and paſtimes then. And as if he had ſtood in fear of the Inarticulate Language of Bells which might foretell a Sermon, he cannot endure to hear the noiſe of a Sermon in the toll of a Bell.

In a Word; he adorned Churches at the charge of other Men, and ſpoyled Pulpits, which ought to have been the greateſt part of his own charge.

My Lords, you have now preſented to your Lordſhips a Brother, nay, one whoſe place engaged him to be a Father of the Clergy, yet one who, like *Joſephs* Brethren, hath taken the Coats from *Joſeph*, nay they were forced to fly from him, as *Joſeph* from his Miſtreſs, or elſe they muſt taſte of his forbidden Waters; but in their going away he rents their Skirts, nay their whole Garments, and Lively-hoods from them; he hath taken the Locks from many *Sampſons*, and done what he could to put out their Eyes, and to make them grind in the Mill of his pernicious and dangerous Innovations.

He ſhould, like *Moſes*, have led his flock. *Moſes* led the Children of *Iſrael* thorow the red Red Sea; this man drives part of his flock over the Sea, but went not himſelf.

Like *Nimrod*, he hath invaded the Laws and Liberties of the Subject; he hath been as great a Rober as ever was preſented to your Lordſhips; He hath Robbed the King of his Subjects, the greateſt glory of Kings; the Kingdom of Trade, of Tradeſmen, the Supporters of it.

He that deprives the King of one Subject, you know his puniſhment; and what ſhall be the puniſhment of him who hath Robbed the King of ſo many Subjects?

In the time of King *Henry* the Third, we find a Tenant in Dower puniſhed in Action of Waſte, becauſe ſhe had deſtroyed two rich Villains and made them Beggers. *16 H.* 3. F. waſt. 128.

I appeal to your Lordſhips; what is his offence who hath commmitted ſo much wilful Waſte and Spoil, Beggered Hundreds, not Villains, but Free-born Subjects.

He

July, 1641.

He Robbed the Souls of that ſweet *Mannah* which is *pabulum animarum*, the Word of God.

My Lords, I have not yet recounted all his Robberies; he hath Robbed God of part of his Day, makes part of that, a Day of ſports; he hath Robbed his Subjects of their indubitable Birth-right, the Laws of the Kingdom.

The Citizens of *Norwich* muſt pay Tithes for their Rents of Houſes; there's no Law in *England*, nor Cuſtom in *Norwich* for it: Nay & that they may be ſure to be Robbed of Juſtice too, the ſuit for theſe Tithes muſt be in his own Conſiſtory, from whence there muſt be no Appeal, no Prohibition.

The true Patrons of Churches they are Robbed of their Preſentations, others who had none or ſmall pretence of right, are admitted upon this unhallowed Maxim, That if he ſhould Inſtitute thoſe who had right, the pretender was without remedy; by this he inverted a Fundimental Law of this Nation, to inveſt remedileſs Rights with unjuſt Poſſeſſions.

(My Lords) I cannot tell you all, but you can meaſure a Lyon by the Paw.

I am commanded to lay this great Malefactor at your Doors, one who hath been a great oppugner of the Life and Liberty of Religion, and who ſet a Brand of Infamy (to uſe his own words) upon *Ipſwich* Education.

In Summ, one who is a compleat mirror of Innovation, Superſtition, and Oppreſſion, he is now in the Snare of thoſe Articles, which were the works of his own Hands.

The Rod of *Moſes* at a diſtance was a Serpent, it was a Rod again when it was taken into his Hands; this Biſhop was a Serpent, a devouring Serpent in the Dioceſs of *Norwich*; your Lordſhips peradventure will by handling of him, make him a Rod again; or if not, I doubt not but your Lordſhips will chaſtiſe him with ſuch Rods, as his Crimes ſhall deſerve.

(My Lords) I am commanded by the Houſe of Commons to deſire your Lordſhips, that this Biſhop may be required to make anſwer to theſe Articles, and that there may be ſuch proceedings againſt him, as the courſe and juſtice of Parliament doth admit.

Articles of Impeachment againſt Mathew Wren *Doctor in Divinity, late Biſhop of* Norwich, *and now Biſhop of* Ely.

The Articles againſt the Biſhop of *Ely*.

THat the ſaid *Matthew Wren* being Popiſhly and Superſtitiouſly affected, did at his firſt coming to be Biſhop of *Norwich*, which was in the year 1635. endeavour by ſundry ways and means to ſuppreſs the powerful and painful Preaching of the Word of God; did introduce divers Orders and Injunctions, tending to Superſtition and Idolatry; did diſturb and diſquiet the orderly and ſetled Eſtate of the Miniſters and People, and Churches of that Dioceſs, to the great prejudice of His Majeſty, the great grief and diſquiet, and hazard of the Eſtates, Conſciences, and Lives of many of His Majeſties Loyal Subjects there, to the Manifeſt bringing in, and encreaſing of Prophaneneſs, Ignorance, and diſobedience, in the common People (as by the particulars enſuing may appear.)

I.

Whereas many Chancells of Churches, during all the time of Queen *Elizabeth*, King *James*, and of His Majeſty that now is, had laid and been continued even, and flat, without any ſteps aſcending towards the Eaſt end of the ſame, and are by the Rubrick in the Book of Common-Prayer, ordered to continue as they were, and ſo ought to have continued. He, of His own mind and will, without any Lawful Warrant or Authority, in the year 1636, being then Biſhop of *Norwich*, ordered and enjoyned, that the ſame ſhould be raiſed towards the Eaſt-end, ſome two, ſome three, ſome four ſteps, that ſo the Communion-Table there placed Altar-wiſe, might be the better ſeen of the People.

II.

He in the ſame year 1636. Ordered, that the Communion-Table which is appointed by the ſame Rubrick, at the time of the Celebration of the Holy Communion, to be placed in the Body of the Church or Chancel, where Divine Prayers are uſually read, and where the People might beſt hear, ſhould be ſet

July, 1641.

up cloſe under the Wall at the Eaſt-end of the Chancel Altar-wiſe, and not to be removed from thence; whereby the Miniſter, who is by the Law to Officiate at the North-ſide of the Table, muſt either ſtand and Officiate at the North-end of the Table ſo ſtanding Altar-wiſe, or elſe after the Popiſh and Idolatrous manner, ſtand and Officiate at the Weſt-ſide of the Table with his Back towards the People.

III.

He in the ſame year 1636. enjoyned that there ſhould be a Rail ſet on the top of the new raiſed ſteps before the Communion-Table, ſo ſet Altar-wiſe as aforeſaid, which Rail ſhould reach from the South-ſide of the Chancel to the North, within which the Miniſter only ſhould enter, as a place too Holy for the People; and ſome of the People were puniſhed for ſtepping into it, as namely *Daniel Whayman*, and others.

IV.

The more to advance blind Superſtition, he in the ſame year 1636. Ordered that all the Pews in the Churches ſhould be ſo altered, that the People might kneel with their Faces Eaſtward, towards the Communion-Table ſo ſet Altar-wiſe as aforeſaid; And that there ſhould be no Seats in the Chancel above, or on either ſide even up with the ſaid Table.

V.

He in the ſame year 1636. enjoyned that every Miniſter after he had finiſhed the reading of ſome part of Morning Prayer, at the Desk, ſhould go out from the ſame to the Holy Table ſet Altar-wiſe, as to a more Holy place, and there, when no Communion was to be Adminiſtred, Read at the ſaid Table a part of the Communion Service, now commonly called the ſecond Service, whereby the conſciences both of the Miniſter, and People, have been not only very much offended, and grieved, but alſo the Service it ſelf was made very unprofitable to the People, who could not hear what was ſaid, or prayed in that place.

VI.

That both he in his own Perſon, his Chaplains, and others of the Clergy, as namely, Mr. *John Novell*, Mr. *William Gueſt*, Mr. *John Dunckon*, and others following his example, did ever after the Table was ſo ſet Altar-wiſe, uſe and perform ſuch, ſo many, and ſo frequent bowings, and adorations before, and towards the ſaid Table as have been dangerous examples to draw others to the like Superſtitious geſtures; and have given great Scandal, and offence to the ſound, ſincere, and well affected *Chriſtians*.

VII.

He in the ſaid year 1636. enjoyned all the People to come up to the Rail to receive the Holy Communion, and there kneel, and do Reverence before the Holy-Table placed Altarwiſe; And gave directions to the Miniſters, not to adminiſter the Communion to ſuch People as ſhould not ſo come up, and do ſuch Reverences as aforeſaid, and that the Miniſter ſhould within the Rail deliver the Bread to ſuch People only as ſhould ſo come up and kneel before the ſaid Table as aforeſaid. This was to the offence of the Conſciences of many good People, who for fear of Idolatry and Superſtition, durſt not come to kneel at the ſaid Rail before the Table ſo placed Altar-wiſe; and many People not coming up thither, though preſenting themſelves upon their Knees in Chancel, have not had the Communion delivered unto them, and afterward for not receiving have been Excommunicated, as namely, *John Shyming*, *Samuel Duncknon*, *Peter Fiſher*, *Thomas Newton*, *Edward Bedwell*, *Edmund Day*, *John Frowar*, and many others.

VIII.

He did in the ſaid year 1636. enjoyn and command that there ſhould be no Sermons on the Lodrs Dayes in the afternoon, or on the Week Dayes at all, without his Licenſe. And alſo enjoyned that there ſhould be no Catechiſing, but only ſuch Queſtions, and Anſwers, as are contained in the Book of the Common-Prayer. Not allowing the Miniſters to expound or open the points of the ſame to the People. He and his under-Officers affirming in publick places, that ſuch

July, 1641.

ſuch an Expoſition might be as ill as a Sermon. And the more to hearten, and confirm the People in prophaning the Lords Day. He enjoyned the Miniſters to read publickly in their Churches, a Book publiſhed touching ſports on the Lords Day, For not reading whereof, ſome Miniſters were by the command and directions of the ſaid Biſhop Suſpended, *viz.* Mr. *William Leigh*, Mr. *Richard Proud*, Mr. *Jonathan Burr*, Mr. *Matthew Brownrigg*, Mr. *Mott* and divers others; ſome deprived, Mr. *Powell*, Mr. *Richard Raymond*, Mr. *Jeremy Borrowes*, and ſome otherwiſe troubled. By all which, Knowledge was ſuppreſſed, and Ignorance and Prophaneneſs introduced in that Dioceſs.

IX.

There having been formerly two kinds of Ringing of Bells, and calling People to the Church in that Dioceſs (*viz.*) one kind, when there were only Prayers to be Read, and another kind, when there were both Prayers to be read, and a Sermon Preached, whereby the People did apply themſelves to the Service of God in thoſe places, where both Prayers and Preaching was to be; He, to hinder the People in their good deſires in ſerving of God, and edifying their Souls, did in the ſame year 1636. command, and enjoyn, that there ſhould be no difference in Ringing of Bells to Church when there was a Sermon and when there was none.

X.

Whereas many Godly Miniſters, for the preventing of the great Sin in the People of unworthy receiving the Holy Communion of the Lords Supper, did uſe to Preach two or three Days before every Communion, a Preparation Sermon to prepare, and Inſtruct the People in the Right and Worthy receiving of the Communion; He the ſaid Biſhop did in the ſaid year 1636, forbid Miniſters to Preach any ſuch Preparation Sermon in that Dioceſs, as namely, Mr. *Devereox*, Mr. *Swayn*, and other Miniſters.

XI.

Whereas all Gods Ordinances are Sanctified, and made Fruitful by the bleſſing of God upon them by Prayer; He, endeavouring to ſuppreſs the benefit and power of Prayer, in the year 1636, enjoyned, That no Miniſter ſhould uſe any Prayer before his Sermon, but move the People to Pray only in the words of the fiftieth Canon, made *Anno* 1603; which Canon was not warranted by the Law: And that no Prayer ſhould be uſed before or after the Sermon. And he in his own Perſon having been at the Sermon in the Town of *Ipſwich*, when the Preacher did uſe or make any other Prayer, did ſit upon his Seat, without uſing, or giving any reverence of kneeling, or otherwiſe, thereby to diſcountenance ſuch Prayer. And he in the ſaid year 1636, enjoyned that no Prayer ſhould be made in the Pulpit for the Sick, and that ſuch as were prayed for in the Reading Desk, ſhould be prayed for only in the two Collects preſcribed for the viſitation of the Sick in private Houſes.

XII.

He the more to Alienate the Peoples Hearts from hearing of Sermons in the ſaid year 1636. Commanded and enjoyned all Miniſters to Preach conſtantly in their Hood and Surplice, a thing not uſed before in that Dioceſs, and much offenſive to the People as a Scandalous Innovation. And the Pariſhioners of *Knatſhall* wanting a Surplice, he did by his Officers in the year 1637. enjoyn the Church-Wardens there, that no Prayers ſhould be read in that Church, till they had got a Surplice, which they not getting for the ſpace of two Lords Days after, had no prayers during that time there.

XIII.

That during the time of his being Biſhop of *Norwich*, which was about two years, and four Months; There were for not reading the ſecond Service, at the Communion-Table ſet Altar-wiſe, for not reading the Book of Sports, for uſing conceived Prayers, before and after Sermons, And for not obſerving ſome other Illegal Innovations by him, and his under-Officers, by and upon his directions, and injunctions, ſundry Godly painful Preaching Miniſters, that is to ſay, Mr. *William Powell*, Mr. *John Carter*, Mr. *Robert Peck*,

July,
1641.

Mr. *William Bridge*, Mr. *William Green*, Mr. *Mott*, Mr. *Richard Raymond*, Mr. *Thomas Scot*, Mr. *Greenhil*, Mr. *Nicholas Beard*, Mr. *Hudſon*, *Robert Kent*, *Jeremy Burrows*, Mr. *Thomas Allen*, and others, to the number of fifty, were Excommunicated, Suſpended, or deprived and otherwiſe cenſured, and ſilenced, to the undoing of many of them, their Wives, and Children, and they could not be abſolved without giving promiſe to conform to his directions *editis & edendis*, by means whereof ſome Miniſters were enforced to depart this Realm into *Holland*, and other parts beyond-Sea, *viz.* The ſaid Mr. *Thomas Bridge*, Mr. *Jeremy Borrows*, Mr. *Thomas Allen*, Mr. *John Ward*, and others of *Norwich*, to remove into other more peaceable Dioceſſes, as namely Mr. *Edmund Calamy*, Mr. *Broom*, Mr. *Beard*, and others, and ſome of them ſo Proſecuted as hath been ſuſpected to be the Cauſe of their Deaths, as namely Mr. *Thomas Scot* and others; the terror of which proceedings hath cauſed other Miniſters to leave their Cures, and go away, *viz.* Mr. *William Kirington*, Mr. *Thomas Warren*, Mr. *John Allen* and others; and if a Stranger Preached at the Cure of ſuch Perſon Suſpended, the Church-Wardens permitting ſuch Perſon ſo to Preach, were enjoyned penance, and otherwiſe troubled, as namely the Church-Wardens of *Snailwell*, and the Stranger for Preaching, was alſo therefore moleſted, *viz.* Mr. *Aſh*, Mr. *Eades*, Mr. *Manning*, and other Miniſters.

XIV.

That during the time he was Biſhop of the ſaid See of *Norwich*, he did unlawfully compel the Inhabitants of the ſeveral Pariſhes, within that Dioceſs, to raiſe the Flowers of the Chancels, of their reſpective Churches, to Rail in their Communion-Tables, to remove the Pews and Seats, and to make other alterations in the reſpective Churches; in the doing whereof the ſaid Inhabitants were put to great, exceſſive, and unneceſſary charges and expences, amounting in the whole, to the Summ of five thouſand Pounds, and upwards, which ſaid charges and expences, he did by unlawful means and courſes, enforce the ſaid Inhabitants, to undergo; and ſuch of the ſaid Inhabitants, as did not obey the ſame, he did vex, trouble and moleſt by Preſentments, Citations, Excommunications, Tedious, and frequent Journeys, and by Attendances at the Courts of his Chancellor, aud other his Officials, *viz.* the Church-Wardens of *Linne*, *Ipſwich*, S. *Edmundsbury*, and others.

XV.

That for not coming up to the Rail, to receive the Holy Communion, kneeling there before the Table Altar-wiſe, for not ſtanding up at the Goſpel, and for not obſerving and performing of his unlawful Innovations, and Injunctions, many other of His Majeſties Subjects, *viz.* *Peter Fiſher*, *Samuel Duncon*, *James Percivall*, *John Armiger*, *Thomas King*, and others, have been by him, his Chancellors, Viſitors, Commiſſaries, and Officials, by Command and Injunctions, much Moleſted, Diſquieted and Vexed in their Eſtates and Conſciences, by Citations to the Courts, long attendance there, Diſmiſſion, Fees, Excommunications, Penances, and other Cenſures.

XVI.

That by reaſon of the rigorous Proſecutions and dealings in the laſt precedent Articles mentioned, and by reaſon of the continual Superſtitious bowing to, and afore the Table ſet Altar-wiſe, the ſuſpending, ſilencing and driving away of the painful Preaching Miniſters, the ſuppreſſing and forbidding of Sermons and Prayer, the putting down of Lectures, the ſuppreſſing means of knowledge and Salvation, and introducing Ignorance, Superſtition, and Prophaneneſs, many of His Majeſties Subjects, to the number of three thouſand, many of which uſed Trades, Spinning, Weaving, Knitting, and making of Cloth, and Stuff, Stockings, and other Manufactures of Wools; that is to ſay, *Daniel Sunning*, *Michael Metcalfe*, *John Berant*, *Busby*, Widdow *Mapes*, *Richard Cock*, *John Dicks*, *Francis Laws*, *John Senty*, and many others, ſome of them ſetting an hundred poor People on work, have removed themſelves, their Families, and Eſtates into *Holland*, and other parts beyond the Seas, and there ſet up and taught the Natives there, the ſaid manufactures, to the

July, 1641.

great hindrance of Trade in this Kingdom, and to the impoveriſhing, and bringing to extream want, very many who were by thoſe Parties formerly ſet on work, to the great prejudice of His Majeſty and His People.

XVII.

That he the ſaid Biſhop, finding the People to diſtaſt his Innovations, hath often in publick and private Speeches declared in the ſaid year 1636. that what he did in the ſame, was by His Majeſties command: whereby he contrary to the duty of this place, which he held under His Majeſty, being Dean of His Majeſties Royal Chappel; and contrary to the duty of a good and Loyal Subject, endeavoured to free himſelf of blame, and to raiſe an ill Opinion of His Royal Majeſty in the Hearts of His Loving Subjects.

XVIII.

That he the ſaid *Matthew Wren*, being Biſhop of *Norwich* in the ſaid year 1636. in the Tower Church in *Ipſwich*, and other places, did in his own Perſon uſe Superſtitious and Idolatrous Actions and Geſtures in the Adminiſtration of the Lords Supper, Conſecrating the Bread, and Wine, ſtanding at the Weſt-ſide of the Table with his Face to the Eaſt, and his Back towards the People, Elevating the Bread and Wine ſo high as to be ſeen over his ſhoulders, bowing low, either to or before them, when he after the Elevation and Conſecration had ſet them down on the Table.

XIX.

That he the more to manifeſt his Popiſh affection, in the ſaid year 1636. cauſed a Crucifix, that is to ſay, the figure of Chriſt upon the Croſs, to be Engraven upon his Epiſcopal Seal, beſides the Arms of the See.

XX.

That he hath choſen and employed ſuch Men to be his Commiſſioners, Rural Deans, and to be his houſhold Chaplains, whom he knew to be, and ſtand affected to his innovated Courſes, and to Popiſh Superſtition, and to be erroneous and unſound in Judgment and Practice: as namely Mr. *John Nowell*, Mr. *Edmund Mapletoft*, Mr. *John Dunkin*, Mr. *Boucke*, Mr. *Dun*, and others.

XXI.

That he hath very much oppreſſed divers Patrons of Churches, by admitting, without any colour or Title, his own Chaplains, and others whom he affected, into Livings which become void within his Dioceſs, unjuſtly enforcing the true and right Patrons to long and chargeable Suits to evict ſuch Incumbents, and to recover their own right: ſome of which he did againſt his Prieſtly word given to the ſaid Patrons, or their Friends, in *verbo Sacerdotis*, not to do the ſame. This he did in the Caſe of one M. *Rivet*.

XXII.

That he and others, in the year 1635, ſold, or granted away the profits of his Primary Viſitation, for five hundred Pounds, over and above charges of the Viſitation, and for the better benefit of the Farmer, ſet forth a Book in the year 1636, Intituled, Articles to be enquired of within the Dioceſs of *Norwich*, in the firſt Viſitation of *Matthew*, Lord Biſhop of *Norwich*, conſiſting of 139 Articles, and wherein are contained the number of 897 queſtions, according to all which, the Church-Wardens were enforced to preſent upon pain of Perjury. And ſome Church-Wardens, that is to ſay, *Robert Langley*, *Charles Newton*, *Richard Hart*, *William Bull*, and *Rephany Ford*, and others, not making preſentments accordingly, were cited, moleſted, and troubled, and enjoyned pennance; notwithſtanding many of the ſaid Articles were ridiculous and impoſſible.

XXIII,

That the Church-Wardens, and other men Sworn at the Viſitation, were enforced to have their preſentments written by Clerks ſpecially appointed by ſuch as bought the ſame Viſitation, to whom they paid exceſſive Summs for the ſame : ſome two and twenty Shillings as namely, *Richard Hurrel*, *John Punchard*, and others, ſome more, ſome leſs, for writing one Preſentment, to the grievous oppreſſion of His Majeſties poor Subjects in that Dioceſs.

XXIV.

Whereas by the Laws of this Realm no Tithes ought to be paid out of the Rents of Houſes, nor is there any Cuſtom or Uſage in the City of *Norwich* for ſuch payment ; yet the ſaid Biſhop endeavoured to draw the Citizens, and other Inhabitants within the ſaid City againſt their wills and conſents to pay two Shillings in the Pound, in lieu of the Tithes of Houſes within the ſeveral Pariſhes of the ſaid City, unto the Miniſters there, of the ſaid reſpective Pariſhes. And the better to effect this his unjuſt reſolution, he did by falſe and undue ſuggeſtions, in the fourteenth year of His Majeſties Reign that now is, procure His Majeſty to declare under his Highneſs's great Seal of *England* his Royal pleaſure, That if any perſon within the ſaid City ſhall refuſe to pay according to the ſaid rate of two Shillings in the Pound unto the Miniſter of any Pariſh within the ſaid City, that the ſame be heard in the Court of Chancery, or in the Conſiſtory of the Biſhop of *Norwich*. And that in ſuch caſe no prohibition againſt the ſaid Biſhop of *Norwich*, their Chancellors or Commiſſaries in the ſaid Courts of Conſiſtory be granted. And if any ſuch Writ be any time obtained, the Judges granting the ſame, upon ſight of his Highneſs's ſaid Order, ſhall forthwith grant a Conſultation to the Miniſter deſiring the ſame, with his reaſonable coſt and charges of the ſame : Which ſaid Order and Decree under the great Seal of *England* tended to the violation of the Oaths of the Judges, and was deviſed, contrived, and made by the ſaid Biſhop. And afterwards by his evil Counſels and falſe Surmiſes he did obtain His Majeſties Royal conſent thereunto, and by colour of the Order aforeſaid, and other the doings of the ſaid Biſhop, the Citizens and Inhabitants of *Norwich* aforeſaid, *viz. John Collar*, *Judith Perkeford*, and others, have been forced to pay the two Shillings in the Pound in lieu of Tithes, or elſe by Suits, and other undue means been much moleſted, and put to great charges and expences, contrary to the Law and Juſtice.

XXV.

That he aſſumed to himſelf an Arbitrary Power, to compel the reſpective Pariſhioners in the ſaid Dioceſs to pay great and exceſſive Wages to Pariſh-Clerks, *viz.* the Pariſhioners of *Yarmouth*, *Congham*, *Toſtock*, and others ; commanding his Officers, that if any Pariſhioner did refuſe to pay ſuch Wages, they ſhould certifie him their Names, and he would ſet them into High-Commiſſion Court for example of the reſt ; and that one or two out of *Ipſwich* might be taken for that purpoſe.

And the ſaid Commons by Proteſtation ſaving to themſelves the liberty of exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid *Matthew Wren*, late Biſhop of *Norwich*, and now Biſhop of *Ely*, and alſo of replying to the anſwer that he the ſaid *Matthew Wren* ſhall make unto the ſaid Articles, or any of them, or offering proof of the Premiſſes or any other Impeachments or Accuſations that ſhall be exhibited by them, as the caſe ſhall (according to the courſe of Parliaments) require, do pray that he the ſaid *Matthew Wren* may be called to anſwer the ſaid ſeveral Crimes and miſdemeanors, and receive ſuch condign puniſhment as the ſame ſhall deſerve ; and that ſuch further proceedings may be upon every of them had and uſed againſt him, as is agreeable to Law and Juſtice.

Thus did theſe great Zealots for the pretended Purity and Reformation of Religion, and to reduce the Biſhops to their Primitive State, even litterally render them ſo, by Perſecution imitating the Primitive Perſecutors of the Primitive Biſhops, clothing them in Skins of Bears, Wolves and Tigres, to invite the cruel Maſtiſſs to fall upon them and tear them in Pieces. And certainly not with ſtanding this black Accuſation, there cannot be a greater Demonſtration of the Innocence of

July, 1641.

this worthy Prelate, then the very Articles, and that this Accuſation wanted proof to carry it further than a bare Accuſation, and a Commitment to the Tower where with the Courage and Patience of a Primitive Chriſtian, he continued a Priſoner till the happy Year 1660. wherein he ſaw himſelf, the Church and this Kingdom together ſet at Liberty, by the bleſſed Reſtauration of His Moſt Serene Majeſty *Charles* the Second, to his undoubted Birth-Right the Imperial Crown of theſe Realms, from the Bondage and Slavery, under which they had for ſo many Years laid Languiſhing, and almoſt ready to expire.

King Aſſents to the 5 Propoſitions.

The Earl of *Briſtol* acquainted the Houſe, That His Majeſty had been moved concerning the Five Propoſitions preſented from their Houſe, from the Houſe of Commons Yeſterday, and his Majeſty conſents to all the ſaid Propoſitions.

The Caſe of the Clerks *&c.* of the Court of Common-Pleas againſt Patentees, and the Lords Order upon it.

W*HEREAS a Petition hath been Exhibited unto this Honorable Houſe by ſundry Officers, Clerks, and late Clerks, of the Court of Common-Pleas, Thereby ſhewing that they have been Bred and Trained up as Clerks in the ſaid Court, and that the Diſpoſition of the Offices of Prothonotories, Fillizers, Exigenters, and divers other Officers of the ſaid Court, had Time out of Mind, appertained to the Chief Juſtice of that Court, for the Time being as an inſeperable Incident to his Office, and that the ſame were granted to ſuch ſkilful and experienced Clerks trained up in the ſaid Court, as were moſt fit and able for the Execution of the ſame Places; and that notwithſtanding ſeveral Grants and Letters Patents of the ſaid Offices, had been obtained from His Majeſty, to the great diſcouragement of able Clerks, and therefore prayed that the ſaid Grants or Letters Patents might be recalled: And whereas ſeveral Petitions have likewiſe been Exhibited, by the Patentees touching the ſaid Offices, and ſeveral Days of hearing have been appointed; but in regard of greater Buſineſs in the Houſe, the Cauſe could not be heard, whereupon it pleaſed the Lords upon the* 26th *Day of* June *laſt, to Order that the Judges of the Kings-Bench, and Barons of the Exchequer ſhould conſider, whether the ſaid Grants or Letters Patents, made by his Majeſty of the ſaid Offices, or any of them were good in Law; and ſhould make Report thereof unto the Houſe, to the end their Lordſhips might proceed to do what ſhould be Right and Juſt therein; And whereas the ſaid Judges and Barons upon peruſal of divers of the ſaid Patents, and a due Conſideration had of the Grants of thoſe Offices, in former Times made by the Chief Juſtice of the ſaid Court of Common-Pleas for the Time being, and upon hearing of Councel on both Sides, after mature deliberation had of the Premiſſes, did certifie, that the Offices of the firſt and third Prothonotary of the ſaid Court of Common Pleas, of the Clerk of the Warrants, of the Clerk of the King's Silver, of the Clerk of the Eſſoignes, of all the Exigenters, and of all the Fillizers (except of the County of* Monmouth) *have by preſcription belonged to the Chief Juſtice for the time being, and that he hath always granted the ſame, for the Lives of the Grantees, who have held them by his admittance only: and that the Office of Clerk of the Treaſury of that Court, is all ways Granted by the Chief Juſtice for the time being, to ſuch Perſons as he ſhall nominate, to continue only during the Time that he continues Lord Chief Juſtice. And further they did certifie their Opinions to be, that none of the Grants made by his Majeſty of any of the Offices, or Clerks Places before in the ſame Certificate mentioned were good in Law; And whereas this Day was appointed*

July,
1641.

pointed by Order of this Houſe, for the hearing of the ſaid Cauſe. Now upon full debate of the Matter by Councel learned on both Sides, their Lordſhips taking the Buſineſs into their mature Conſideration, and well approving the Learning, Juſtice and Integrity of the preſent Chief Juſtice, and thinking it moſt juſt and meet, that the Rights and Priviledges truely incident, and belonging to the Place of Chief Juſtice of the ſaid Court of Common-Pleas, ſhould be reſtored and continued, they have Unanimouſly Reſolved, Voted, Declared and Ordered, That the ſaid Offices of the firſt and third Prothonotary of the ſaid Court of Common-Pleas, of the Clerk of the Warrants, of the Clerk of the King's Silver, of the Clerk of the Eſſoignes, of the Clerk of the Treaſury, and of all the Phillizers, and of all the Exigenters (except for the County of Monmouth*) do by right belong to the Diſpoſition of the Lord Chief Juſtice of the ſaid Court of Common-Pleas for the time being, and that the Grants formerly made by Letters Patents of the ſaid Offices, or Clerks Places, or any of them, are illegal and void in Law; and it is further Ordered, That the ſaid ſeveral Letters Patents herein mentioned, ſhall be forthwith brought into this Houſe.*

Wedneſday. July 21.

Mr. Comptroller brings a Meſſage from the Queen in Writing, in theſe Words,

The Queens Meſſage by Mr. *Comptroller.*

WHen the Parliament did the other Day, expreſs their Affections to Me, in taking into Conſideration the Journey which I had reſolved on, for the recovery of my Health, and repreſented a Deſire of My ſtay, with a tender Care of removing all Occaſions of My Indiſpoſition, I could not then give them a poſitive Anſwer, ſuch as I deſired for their Satisfaction, becauſe I knew not if My Health would give way unto it; but ſince that Time, I have reſolved to venture my Health, and for complying with their Deſires, not to go, ſince My Preſence here will be acceptable unto them, and that they conceive it will be for the good of the Kingdom; for I deſire nothing more then to let them ſee, that I ſhall in all things be ready to gratifie them, and to ſerve the State, though, as I then ſaid, with the hazard of my Life.

Upon the Receipt of which Meſſage it was Ordered, *That the Bill for the Queens Joynture, ſhall be reported this Afternoon, and* Mr. Comptroller *is to repreſent to Her Majeſty, that this Houſe is very ſenſible of the favor done by Her Majeſty, and that they are thinking of ſome more ſolemn way of repreſenting it.*

Ordered, *That the ſame Committee that attended Her Majeſty before, ſhall meet with the Committee of Lords, to preſent Thanks to Her Majeſty at ſuch time as their Lordſhips ſhall think fit, and a Conference to be deſired with the Lords about it, their Lordſhips having had the like Meſſage from Her Majeſty ſent to their Houſe.*

At which Conference it was agreed to return Her Majeſty Thanks in theſe Words, as was reported by Mr. *Hollis*.

Mr. *Hollis* Reports the thanks of both Houſes to the Queen for putting off her Journey to the *Spaw*.

BOth Houſes of Parliament have with very much Comfort and Thankfulneſs received that Gracious Meſſage, whereby your Majeſty hath been pleaſed to declare your Reſolution, of ſtaying your intended Journey at their humble Deſire, which they hope will be no Prejudice to the Recovery of your Health, but rather an advancement of it, by that Contentment, which You will receive from the continual Expreſſion of their Affection and

Zeal

July, 1641.

These Promiſes were well obſerved when they voted her Majeſty a Traitor afterwards, for aſſiſting the King againſt them in an Actual Rebellion.

Zeal to do you Service. And they have commanded Me, in their Names, to declare that both Prayers and Indeavors ſhall concur in all things tending to your Majeſties Wellfare and Proſperity, which they ſhall ever eſteem, as a very great Bleſſing, both of the Kingdom and of themſelves.

The Queens Anſwer.

To which Her Majeſty returned this Anſwer.

I Am very glad that both Houſes of Parliament, have taken my Reſolution of ſtaying my Journey in ſo good Part; they may ſee by it, I have preferred their Content, before My Health, and I ſhall ſtill continue to do all lies in My Power to ſerve the King, and for the good of this Kingdom, and to pleaſe them, as they have already ſeen.

Thurſday, *July* 22. Ceſſation continued 15 days longer.

The Ceſſation of Arms was voted to be continued Fifteen Days longer, from the expiration of the preſent Term, upon the ſame Conditions, if the Treaty continue ſo long.

This Day Mr. *Smart*, who Articled againſt Dr. *Coſins*, was by Order of the Lords reſtored to his Prebend in *Durham*, and had alſo the Vicaridge of *Aycliff* in the Biſhoprick of *Durham* beſtowed on him, upon the Death of Dr. *Carr* the preſent Incumbent. So forward was the Zeal of the Faction to incourage and reward theſe Men, who had been the Oppoſers of the Government, and the real Incendiaries, by promoting falſe and ſcandalous Accuſations againſt the Biſhops and the Dignified Clergy.

A Report from the Committee of Seven Ordered, *That the Articles then Reported be kept ſecret.* They were about the Conſpiracy, but not being entred in the Journal, I cannot oblige the Reader with them.

Earl of *Briſtol* Reports the *Scots* Anſwer about disbanding.

The Earl of *Briſtol* reported the Anſwer of the *Scots* Commiſſioners to the Two Propoſitions, which the Lords Commiſſioners were Ordered by this Houſe to propound to them: The Anſwer was,

ALthough the extreme neceſſity of the Army hath been ſo repreſented unto us, as that the Arrear, and 80000 l. *of Brotherly aſſiſtance, have not been ſufficient to disband our Army, and pay the moſt neceſſary preſent Charges, yet have we not refuſed to agree to your deſires in every thing within our Power, which moveth us, who are but a few of the Commiſſioners to offer not only the repreſenting of our preſent deſires to the General and Committees, but the perſwading of their condeſcending ſo far as neceſſity can permit, both about the time of disbanding our Army ſo much deſired by us all; and which will be done chearfully and readily as ſoon as the Articles are ratified in the Parliament here, and the Mony that ſhall be agreed upon ſent and received at* Newcaſtle. *As alſo for continuing the forbearance of the payment of* 80000 l. *for ſome ſhort time.*

But we are bold to deſire an Alteration in your Lordſhips Paper, that it may be the moſt poſſible for them to agree thereto; as all the by-gone Arrears would be preſently ſent to Newcaſtle, *that they may have time to make Accompts, and prepare for Disbanding; ſo all the Arrears that will be due to the laſt day of the Payment of our Army may be ſhortly ſatisfied, either here at* London *for anſwering Ecxhanges, or ſent to* Newcaſtle *to help the Disbanding there: And for the* 80000 l. *that your Lordſhips would offer to Deliver and Embarque the ſame here before the Tenth of* Auguſt, *that it may be in* Scotland *againſt the King's coming, or the* 20th *day*

July, 1641.

day of the ſaid month at fartheſt, becauſe divers have lent all their Moneys, and ſold all their Victuals for the publick uſe of the Army, who muſt now be ſupplied with ſome part of their Mony, and price of their Victuals, otherwiſe it will procure a confuſion and grudging among them.

Order about Books to be uſed in the Caſe between Lord Major and Commons.

Upon reading the Petition of the Six Perſons choſen by the Commonalty of the City of *London*, it is Ordered by the Lords in Parliament, *That the Book of Reverſions ſhall be peruſed by them, and afterwards with the Books of* A. D. E. F. G. H. I. K. L. Z. O. Liber Albus, Tranſcript Dunthorn, Cuſtoms, Repertory, Hamerſly, Journal of 6 *H.* 7. Journal Swinerton, Middleton, *Hayes* Journal, Garroway, *ſhall be brought into the Upper Houſe of Parliament on* Monday *next being the 26th of this Inſtant Month of* July *by Nine of the Clock in the morning, at which time their Lordſhips have Ordered to hear the ſaid Cauſe.*

Friday, July 23.

Sir *John Hotham* Reports, *That there will be due to the* Scots *upon the 12th of* Auguſt 57400 l. 10000 l. *is expected from the voluntary Loan of the Members, ſo that* 47000 *will be requiſite to pay them off.*

Ordered, *That there ſhall be a Conference with the Lords to borrow* 40000 l. *of the City, which the Lords agreed to, and the Poll-Bill was propoſed to the Lord Mayor and Aldermen for Security.*

Earl of *Eſſex* made Lord Chamberlain.

This day His Majeſty was pleaſed to give the white Staff to the Earl of *Eſſex*, and he was Sworn Lord Chamberlain of His Majeſties Houſehold.

Saturday, July 24.

Sir *Arthur Ingram* carries up the Bill with amendments for the certainty of the Forreſts, as alſo a Bill for the Earl of *Bedford*.

The Houſe of Commons then entered upon the Debate of the Articles from the Committee of Seven, againſt Mr. *Percy*, Mr. *Jermyn*, &c. Upon which they came to theſe Votes.

Votes upon the Articles from the Committee of 7.

Reſolved, &c. *That Mr.* Henry Percy, *in the Months of* March *and* April *laſt paſt, in the Pariſh of St.* Martin's *in the County of* Middleſex, *did Compaſs, Plot and Conſpire with others to draw the ſaid Army together, and to employ them againſt the Parliament, and by fear and dread thereof to compel the ſaid Parliament to agree to certain Propoſitions by them contrived, and to hinder and interrupt the Proceedings of the ſaid Parliament.*

Reſolved, &c. *The ſame againſt Mr.* Henry Jermyn, *Sir* John Suckling, *and Mr.* William Davenant.

Reſolved, &c. *That in purſuance of the ſaid Deſign, the ſaid* Henry Percy *by the Plot and Combination aforeſaid, did endeavour to perſuade divers Members of the Houſe of Commons of the ſaid Parliament, and others, being Officers of the ſaid Army, that is to ſay,* Henry Wilmot, William Aſhburnham *Eſq; Sir* John Berkly, Hugh Pollard *and* Daniel Oneal *Eſquires, that they were diſobliged by the Parliament, thereby to incenſe and diſaffect them againſt the Parliament, and did hold divers Conſultations with the ſaid perſons to effect the ſaid wicked and dangerous Deſigns; and for that purpoſe did ſet down in writing certain Propoſitions to the effect following, that is to ſay,* The preſerving of Biſhops Votes and Functions, the not Disbanding of the *Iriſh* Army until the *Scots* were Disbanded, and to endeavour the ſettling of the King's Revenue to the proportion it was formerly.

The

July,
1641.

Further Votes about Mr. Percy, &c.

The Houſe fell upon the further Debate of the Articles from the Committee of Seven, and it was

Reſolved, &c. *That the ſaid* Henry Percy *in purſuance of the ſaid Plot and Combination for the more ſecret Carriage, and further Engagement of the ſaid Conſpirators, and others the Perſons aforenamed, did miniſter unto the ſaid* Henry Jermin, Hugh Pollard, Henry Wilmot, William Aſhburnham, *Sir* John Berkley *and* Daniel Oneal, *a wicked and unlawful Oath, whereby they did Swear upon the Holy Evangeliſts not to reveal any thing ſpoken concerning that buſineſs in conſultation, directly or indirectly, nor to think themſelves abſolved by any other Oath that ſhould be after taken, from the Secreſie enjoyned by the ſaid Oath.*

Reſolved, &c. *That Mr.* Henry Jermyn *at the time the ſaid Oath was Adminiſtred as aforeſaid, and at divers other times did propound and endeavour to perſwade the Perſons aforenamed, and other Officers of the ſaid Army, to put the ſaid Army into a Warlike Poſture, and to bring them up to* London, *and likewiſe to make themſelves ſure of the Tower, and ſo by force to compel the Parliament to conform to their Will.*

Reſolved, &c. *That the ſaid* Henry Jermin, *Sir* John Suckling, *and* William Davenant *in further Proſecution of the ſaid Deſign by the Conſpiracy aforeſaid to diſaffect the ſaid Army towards the Parliament, and to work a belief in the ſaid Army, that the King and Parliament would diſagree, and ſo under pretence of adhering to His Majeſty, to incenſe the ſaid Army againſt the Parliament, thereby the better to compaſs their wicked Deſign; and further endeavoured to perſwade the Army, that all the* French *about* London *would aſſiſt them; and to the great ſcandal of the King and his Government, that the Prince and the Earl of* Newcaſtle *were to meet the ſaid Army at* Nottingham *with a Thouſand Horſe.*

Reſolved, &c. *That the ſaid Sir* John Suckling *by the Conſpiracy aforeſaid, for the better effecting the ſaid wicked Deſign, under the pretence and colour of ſome ſervice to the King of* Portugal, *did raiſe Men, both Officers and Common Soldiers, and further did contrive, that a hundred of thoſe Men ſhould be put into the Tower of* London, *under the Command of Captain* Henry Billingſley, *thereby to poſſeſs themſelves of the ſame, as was formerly propounded by Mr.* Henry Jermin, *that ſo they the ſaid* Henry Jermin, *and Sir* John Suckling *might better effect their ſaid wicked Deſigns, and have better opportunity to Maſter and Command the City of* London, *that the ſaid City ſhould not be able to make any reſiſtance when the ſaid Army ſhould come up according to the aforementioned Deſign; And the ſaid Sir* John Suckling, *in further purſuance of the ſaid wicked intentions, did by the means aforeſaid Plot and Endeavour that* Thomas *Earl of* Strafford *then Priſoner in the Tower for High Treaſon, and ſince Attainted and Executed for the ſame, ſhould make an Eſcape, that by his Power they might the better compaſs and bring to paſs the ſaid wicked Deſign.*

Reſolved, &c. *That the ſaid* Henry Wilmot, William Aſhburnham, Hugh Pollard, *Sir* John Suckling, *Sir* John Berkley *and* Daniel Oneal, *by the inticement, practice and inſinuation of the ſaid* Henry Percy *did take the aforeſaid unlawful Oath.*

Reſolved, &c. *That the ſaid* Henry Percy *for the advancement of the ſaid wicked Deſign did propound unto them the aforeſaid three Propoſitions.*

Reſol-

July, 1641.

Reſolved, &c. *That the ſaid* Henry Wilmot, William Aſhburnham, Hugh Pollard, *Sir* John Berkley *and* Daniel Oneal, *were acquainted with the ſaid Deſign mentioned in the firſt Article.*

Reſolved, &c. *That the ſaid* Henry Wilmot, William Aſhburnham, Hugh Pollard, *Sir* John Berkley *and* Daniel Oneal *were together with the ſaid Confederates, preſent at divers Debates and Conſultations touching the ſaid Propoſitions and Deſigns, which ſaid Propoſitions, Deſigns and Conſultations the ſaid* Henry Wilmot, *&c. did not diſcover, but conſented to the ſame.*

Reſolved, &c. *That the ſaid* Henry Wilmot, William Aſhburnham, Hugh Pollard, *Sir* John Berkley *and* Daniel Oneal *being afterwards Lawfully Examined in Parliament upon their Oaths touching the Premiſſes, did wholly deny the ſame, and the ſaid Sir* John Berkley *and* Daniel Oneal *being thereupon queſtioned, did fly for the ſame.*

The further Debate of this matter was put off until *Wedneſday* at 8 of the Clock.

Munday, July 26. Bill for Northern Counties paſſed the Lords.

The Earl of *Bath* Reported the Bill for ſecuring of Mony to the Northern Counties, *&c.* And being put to the Queſtion, it was Reſolved to paſs.

Lord Majors Caſe about Electing one Sheriff, &c. heard.

The Petition of the Lord Mayor and Aldermen of *London*, and the Petition of the Commonalty of the ſaid City were read; and after Councel on both ſides had had a full hearing concerning the Election of a Sheriff and other Officers; the Houſe of Lords taking the whole buſineſs into conſideration, Ordered, *That this Cauſe ſhould be determined on* Saturday *morning next, in caſe the Lord Mayor and the Commonalty did not agree and compoſe the matter in Queſtion in the mean time.*

This was a very perplexing Caſe at this time, for the Parliament were about to borrow 40000 *l.* of the City to diſband the Armies; and if the Cauſe had been determined either way, in probability it would have given a ſtop to that Affair, but more eſpecially if it had been decided in favour of the Lord Mayor and Court of Aldermen, who could not eaſily have raiſed that Sum without the Aſſiſtance of the moſt wealthy of the Commonalty.

Letters about the Army.

The Lord Chamberlain ſignified to the Houſe, That he had received divers Letters from the Lord General, which he thought fit to acquaint the Houſe with.

As a Letter deſiring to know a certain day for diſbanding of both Armies.

Likewiſe a Letter ſent to the Lord General from the Gentlemen in the Biſhoprick of *Durham*, complaining of the burthen of the Soldiers there.

And alſo a Liſt of the Number of the Five Regiments which are diſbanded, being 5817 Men: All which being read, the Lord Chamberlain had leave from this Houſe to Communicate them to the Houſe of Commons.

Tueſday, July 27. Petition out of *Oxfordſhire* againſt Biſhops.

A Petition of the Miniſters and People of *Oxfordſhire* and *Barkſhire* againſt Biſhops was this day read in the Commons Houſe, and referred to the Committee for the Miniſters Remonſtrance.

7 Bills brought up by Sir *John Culpeper*.

A Meſſage from the Houſe of Commons by Sir *John Culpeper*, who brought up Seven Bills which had paſſed that Houſe, *Viz.*

(1.) *An Act for the declaring unlawful and void the late proceedings touching Ship-mony, and for vacating of all Records and Proceſs concerning the ſame.*

July, 1641.

(2.) *An Act for the preventing of vexatious proceedings touching the Order of Knighthood.*

(3.) *An Act for the free bringing in of Gun-Powder, and Salt-Petre from forreign Parts, and for the free making of Gun-Powder in this Realm.*

(4.) *An Act to ſettle the Mannor of* Belgraves, *and other Lands in the County of* Leiceſter, *to and upon* William Byerley *Eſq; his Heirs and Aſſigns, for and towards the payment of the Debts of* William Davenport *Eſq; Deceaſed.*

(5.) *An Act to enable Sir* Alexander Denton *Knight, to ſell the Mannor of* Barvard *alias* Barford *St.* Michael, *and other Lands in this preſent Act mentioned for the payment of his Debts, and preferment of his younger Children.*

(6.) *An Act for Alteration of the Eſtate and Tenure of ſome Lands within the Pariſh of* Fulham *in the County of* Middleſex *held of the Lord Biſhop of* London, *as of the Mannor of* Fulham.

(7.) *An Act for the making of the Chappel of* Hoole *in the County of* Lancaſter *a Pariſh Church, and no part of the Pariſh of* Croſton.

Report of the Charge of the Armies.

	l.	*s.*	*d.*
Sir *John Hotham* Reports, That to disband the Army requires	242619	11	03
Toward which there is paid	152119	11	03
Remains to be provided	90500	00	00
The Charge of the Garriſons	40000	00	00
Total	130500	00	00
When the Earl of *Warwick* hath Received and Paid the	50000	00	00
There will Remain due to the *Scots*	53000	00	00
Beſides the Remainder of the Brotherly aſſiſtance	80000	00	00
Total due to the *Scots*	133000	00	00

***Plymouth* Bill paſſed.**

The Engroſſed Bill for Confirmation of His Majeſties Letters Patents to the Town of *Plymouth*, and for dividing the Pariſh, and building a new Church there was read the Third time in the Lords Houſe, and being put to the Queſtion, it was Reſolved to paſs as a Law.

Meſſage from the King to the Lords about Commiſſions in his abſence.

Then the Speaker ſignified, *That His Majeſty Commanded him to acquaint their Lordſhips, that becauſe he intends his Journey tawards* Scotland *upon* Monday *come Sevennight, and in regard that in his abſence heretofore he hath left behind him Two Commiſſions, the one directed unto the Lords of the Privy Council for ordering of the Affairs of State, and the iſſuing out of Proclamations upon Emergent Occaſions; and the other Authoriſing a Perſon of Honour to be Captain General for the levying of Forces on this ſide* Trent, *if there ſhould be any neceſſity for the ſafety of the Kingdom; His Majeſty now thinks it fit to iſſue out the like Commiſſions for the ſaid Publick Services in his abſence, with ſome Variations and Omiſſions, according to the Occaſions, and hath named the Lord Chamberlain to be Captain General on this ſide* Trent; *but His Majeſty would execute nothing therein until he had made the ſame known to both Houſes of Parliament deſiring their Concurrence and Aſſiſtance in all his great Affairs.*

Further it was ſignified from His Majeſty, *That the* Spaniſh *Ambaſſador did ſend a Writing unto His Majeſty, wherein he preſſeth His Majeſty for ſome of the* Iriſh *Companies lately disbanded to be employed in the Service of the King of* Spain; *and that His Majeſty hath Commanded that the ſaid Writing ſhall be Communicated to both Houſes of Parliament, and he deſires their Advice therein.*

Upon which a Conference was deſired by the Lords, at which the Lords declared their Reſolution, *That they would do nothing in it till Three Points were cleared,*

Firſt, *That the Ambaſſadour ſhould ſet down the particular number of Men he deſires.*

Secondly, *The time When.*

Thirdly, *The manner How, and the Place from Whence he intends to Tranſport the Soldiers.*

Mr. *Hambden* Reports the Letter from the Queen of *Bohemia.*

Mr. *Hambden* made a Report from the Earl of *Pembroke*, *That he had received Letters from the Queen of* Bohemia, *wherein ſhe gave humble thanks to the Parliament for their Regard and Conſideration of her.*

There was alſo another Letter read from the Earl of *Holland*, to deſire, *That both Armies might be disbanded together, for the honour and ſafety of the Kingdom.*

The Bill for ſecuring the true Religion, &c. rejected.

This day the Bill Entituled, *An Act for the ſecuring the True Religion, the Safety and Honour of His Majeſties Perſon, the juſt Rights of the Subject, and the better diſcovery and puniſhment of Popiſh Recuſants was read a Second time, and after a long Debate of the Houſe, it was Reſolved by the major part*

That this Bill be Rejected.

The Reader is to underſtand, that under the glorious Title with which this Bill was guilded, the main matter of it was the taking away the Peerage of the Biſhops in Parliament; which ſince they could not effect by the former Bill, they thought to ſlide in under theſe ſpecious pretences of preſerving Religion, &c. but the Houſe of Lords had too many Wiſe and Noble, Juſt and Honourable Perſons in it yet for the Faction to effect their Deſign.

After this the Lord Mayor of *London*, and the Aldermen, &c. were called in, to give an Anſwer to the Propoſition for lending 40000 *l.* and the Lord Mayor ſignified, *That he hath already prepared* 34500 l. *part of the* 40000 l. *and the full Sum will be made up this night, and further he acquainted the Houſe, that he hath received* 18000 l. *of the Poll-mony.* For which ſervice and readineſs in this buſineſs the Speaker gave the Lord Mayor and Aldermen and the reſt thanks from this Houſe.

Earl of *Bath* reports the Conference about disbanding.

The Earl of *Bath* reported the effect of the Conference about disbanding, that the Commons delivered theſe four Reſolutions.

(1.) *That the Ninth day of* Auguſt *next ſhall be the day appointed for the marching away of the* Scots *Army.*

(2.) *That the mony due for relief of the Northern Counties is ready, and that if they ſhall deſire any reaſonable aſſiſtance for the conveying of it, they will be ready to aſſiſt them in the beſt manner they can.*

(3.) *The Houſe of Commons deſires, that the* Engliſh *Lords Commiſſioners may move the* Scots *Commiſſioners to put off the time for the payment of the* 80000 l. *part of the Brotherly Aſſiſtance, till the firſt day of* September *next, and that notwithſtanding they will pay it ſooner if they can.*

July,
1641.

(4.) *That after the* Scots *have declared their Aſſent of diſbanding, that then our Army ſhall be diſbanded with all poſſible ſpeed; and the Horſe to be firſt diſbanded.*

Upon which it was Ordered, *That this Houſe doth agree with the Houſe of Commons in all the aforeſaid Reſolutions, and do further Order, That the Lords Commiſſioners do reſume the Treaty with the* Scots *Commiſſioners, and prepare it for a Concluſion.*

After the Conference with the Lords about the Disbanding, the Commons fell into Debate concerning the Kings Journey into *Scotland*, and it was,

Thurſday, July 29.
Votes to deſire a Vice-Roy during the King's abſence in *Scotland*.

Reſolved, &c. *That the Lords be deſired by this Houſe in a Conference, to joyn with this Houſe in a Petition to His Majeſty, to appoint a* Cuſtos Regni, *or* Locum tenens *during his Abſence out of this Kingdom; and amongſt other things, in ſpecial to give him Power, to give the Royal Aſſent in Parliament, and to do ſuch things as the King might do if he were preſent.*

Reſolved, &c. *That His Majeſty be likewiſe Petitioned, That an Act of Parliament may paſs to this Effect, That ſuch Commiſſion ſhall not be repealed, until His Majeſties return from* Scotland *to the City of* London *or* Weſtminſter, *or be preſent in full Parliament.*

Which two Reſolves were communicated to the Lords at a Conference.

Sir *George Ratcliff* has liberty to take the Air.

Upon Information this Day unto this Houſe, That Sir *George Radcliff* being now a Priſoner in the *Gate-Houſe*, was indiſpoſed in his Health, by reaſon of the cloſeneſs of the Place where he remaineth, and that he was an humble Suitor to their Lordſhips, that he might receive the Favor to go into the Fields with ſuch Keepers, as their Lordſhips ſhould think fit; It was Ordered, *That the ſaid Sir* George Radcliff *ſhall have the Liberty by Virtue of this Order, to go into* Chelſey *Fields, or any other Fields near thereabout, to take the Air for his Health, at ſuch times as he ſhall deſire it.*

Scots Commiſſioners Anſwer about diſbanding the Army.

The Earl of *Briſtol* Reports the *Scots* Anſwer, about the disbanding their Army which was read in *hæc verba.*

Whereas the Removal of the Scottiſh *Army is deſired againſt the 9th of* Auguſt, *upon the Receipt of a Paper from your Lordſhips of the* 22 *of* July, *we did immediately repreſent the ſame to the Lord General and Committees, from whom we expect very ſatisfactory Anſwers by the Earl of* Dumferling *and Lord* Lowdon, *and for haſtning the disbanding, we did in our Anſwer of the* 21ſt *of* July, *deſire that the Arrears might be then delivered and ſent to* New-Caſtle, *that we might finiſh our Accounts, and pay our Debts in thoſe Countries, and be better prepared for our Disbanding; but we conceive, that the not timous delivery of the Arrears, ſhall prove the greateſt Impediment in our removal: therefore We do remit to the Parliaments conſideration, to take ſome ſpeedy courſe for ſending of the whole Arrears. As for the delay of the Payment of the* 80000 l. *we have alſo repreſented the ſame unto the General and Committees, according to the days mentioned in our Paper of the* 22 *of* July, *whereof we do expect an Anſwer by the Earl of* Dumferling *and the Lord* Lowdon.

Act againſt Ship-Money paſſed the Lords.
Lord Majors Cauſe heard and referred.

The Bill againſt Ship-Money being read a third Time this Day, and put to the Queſtion, it was reſolved to paſs for a Law.

After which the Lord Major and Aldermen, and Commons of *London* were called in and asked, *Whether they had compoſed the Differences*

between

July,
1641.

between themſelves concerning the Election of the Sheriff? But it being Anſwered, *That they had a meeting about it, yet could not agree,* This Houſe took the Cauſe into Conſideration, having heard the Objections on both Sides, and at laſt appointed theſe Lords Committees, *viz.* Lord Privy Seal, Lord Chamberlain, Earl of *Bath,* Earl of *Bedford,* Earl of *Briſtol,* to try if they could accommodate the difference between them, and ſettle Peace amongſt them, if not, to report the ſame to this Houſe. And their Lordſhips, or any five or more, to meet at 5 of the Clock this Afternoon in the Painted Chamber, and the Lord Major and Aldermen, and ſome of the Commons to be preſent.

Friday, July 30.

Mr. *Bagſhaw* Reports the Articles againſt the Biſhop of *Bath* and *Wells,* which were all read, but are not entred in the Journal. But that the Reader may ſee, they were of the ſame Leven with thoſe againſt the Biſhop of *Ely,* and that indeed the Crime was, being a Biſhop, I will ſubjoyn ſome Articles, which an Informer one Mr. *James* a Miniſter in his Dioceſs exhibited againſt him, whereby it will appear, That as the Accuſation was the effect of Malice and Revenge, thoſe Proſecutions proceeded from the ſame bitter Fountain.

Articles of Information againſt the Biſhop of *Bath* and *wells* by one *Jcmes* a Miniſter in his Dioceſs.

1. HE hath *Ex officio* convented me before him, for having two Sermons Preached in my Church on *Michaelmas* Day, to the great diſturbance and hinderance of the Sale of the Church-Ale, as his Lordſhip pretended, and further Examined me upon Oath, whether I had not the ſaid Sermons Preached for the ſame purpoſe and intent, admoniſhing me for the future, neither to Preach my ſelf, nor ſuffer any other to Preach in my Cure, in the afternoon, of either the Lords Day, or Holy Days.

2 I heard him ſay to his Regiſter, That whereas Information had been given concerning certain Miniſters, that they expounded upon the Catechiſm, this Information was too narrow to catch them, and therefore it ſhould have run thus, That they Catechiſed or expounded upon the Catechiſm Sermon-wiſe, and then they would have been obnoxious to cenſure.

3 At the meeting to Elect Clerks of the Convocation he threatned to ſend forth Cenſures of the Church, againſt all that would not pay in the Benevolence, late granted, in the late Synod, within a Fortnight after the ſecond Day of *November* laſt paſt; And further at the ſaid Election, his Son gave eight ſingle Voices; two as Arch-Deacon of *Bath*; two, as Prebend of the Church of *Wells*; two, as Parſon of *Buckland* St. *Mary*; two, as Vicar of *Kingsbury*: and many others alſo there preſent, gave as many double Voices, as they had Benefices and Dignities; againſt which one Mr. *Roſwel* proteſted, ſaying, that it was Illegal; The Biſhop replyed, that they gave in ſeveral capacities, and thereupon commanded him ſilence, ſaying, that he was a Young man.

4. That upon the meer Information of Mr. *Humphrey Sydenham,* Rector of *Buckington,* that in a certain Sermon Preached at the Viſitation of the Arch-Deacon of *Taunton,* I beſpattered the Clergy; The Biſhop Summoned me before him down to *Wells,* and there objected unto me, that I had Preached a Scandalous Sermon, wherein I had caſt ſome aſperſions on ſome of the Clergy. Upon which charge I proffer'd to bring in an exact Copy of the Sermon I Preacht, and to depoſe, that I ſpake neither more nor leſs, then was contained in the ſaid Copy; This the Biſhop would not accept of, ſaying that he would not have the Miniſters, who came to witneſs againſt me, troubled with a Second Journey: One of my Proctors deſired time, till the next Court Day, for me to give in my anſwer; the Biſhop commanded him to hold his Peace; and the other Proctor though he was retained by me, and had received a Fee, never opened his mouth, pretending unto me, that becauſe the Biſhop was ſo highly diſpleaſed with me, he durſt not appear on my behalf. Being denyed time to give in my anſwer at the next Court Day, I deſired reſpit until the afternoon,

July, 1641.

ternoon; this alſo was denyed; In fine, contrary to the rules of their own Court, he examined witneſſes againſt me, and proceeded to Cenſure me, before he received my full anſwer; he would not hear the anſwer, which I could give to the Articles objected to me, which I profer'd to give, and which he had by Oath required me to give; further, by vertue of the Oath he adminiſtred unto me, he queſtioned me not only concerning matters of outward fact, but alſo concerning my moſt ſecret thoughts, intentions and aims. Moreover whereas the Witneſſes confeſſed that I only ſaid, in the foreſaid Sermon, that ſome put the Scriptures into a Staged dreſs; the Biſhop perſuaded them, that, that expreſſion was equivalent with the Article objected, that ſome mens Sermons were Stage-Plays, and they by his perſuaſion, ſwore down-right, that I ſaid ſome mens Sermons were Stage-Plays; The Doctor made an Act and Order, that I ſhould make publick retractation, which I refuſed to do, and appeal'd unto the Arches; But upon either the Biſhops, or M. *Sydenham*'s Information, my Proctor *Hunt* renounced my Appeal, and Sir *John Lamb* diſmiſſed the ſame cauſe, without hearing, unto the Biſhop again.

5. The Church-wardens of my Pariſh, by order from the Biſhop, were enjoyned to turn the Communion-Table, and place it Altar-wiſe, *&c.* Now they, that they might neither diſpleaſe the Biſhop, nor tranſgreſs againſt the Rubrick of the Liturgy, made it an exact ſquare Table, that ſo notwithſtanding the Biſhops Order, the Miniſter might ſtill Officiate at the North-ſide of the Table; M. *Humphrey Sydenham* Informed againſt this, and upon Information, the Biſhop ſent to view it; and upon his view he certified the Biſhop, that it was like an Oyſter-Table, whereupon the Biſhop ordered the Church-wardens to make a new one.

6. Upon Mr. *Humphrey Sydenham*'s Information that M. *John Pym* was a Parliamenteer, the Biſhop would not ſuffer me any longer to ſojourn in his Houſe, although before ſuch Information he gave me leave: And when I demanded of ſome of his Servants, the reaſon why his Lordſhip had thus changed his mind, they told me that his Lordſhip was informed by M. *Sydenham* that M. *Pym* was a Puritan.

By which laſt Article it is evident the finger of *Joab* was in this matter, and Mr. *Pym* in whoſe Houſe this Informer Sojourned, was a very great Maſter, and it ſeems found an apt Scholar of this Nonconformiſt, in the Art of blackning; and nothing can be more plain then that becauſe the Biſhop had Proſecuted this Miniſter for his Non-conformity, therefore out of Revenge he now perſecuted the Biſhop; and in telling his own Story it is fairly to be preſumed he puts the beſt Foot forward, and does not *Ex officio* tell us his own real Guilt, which was obſtinate Non-Conformity, and frequent railing againſt the Biſhops and Church-Government, the common Theams upon which theſe Perſons, who appeared ſo zealous for Preaching, employed their Talent both in the Morning and Afternoon. And this was the true reaſon why the Biſhops of that time were againſt Lectures and Afternoon Sermons, becauſe they ſaw thoſe Miniſters who were moſt forward for them, were wholly addicted to this way of abuſing the Ordinance of Preaching, to unſettle the Minds of the People and diſturb the Publick Peace. And wiſely it was forſeen, could it have been as eaſily prevented; for from the Pulpit were the firſt Seeds of Rebellion ſown among the People, from thence they were cultivated and improved into actual War againſt the King, as the ſequel of this Hiſtory will ſhew.

The Bill for all Perſons taking the Proteſtation thrown out of the Houſe of Lords.

This Day the Bill for taking the Proteſtation being read in the Houſe of Lords, it was by their Lordſhips urged, *That though they approved of the taking of it by the Members of each Houſe, yet they did not of the General taking of it throughout the Kingdom.* Upon which the Bill was dimiſſed, of which the Commons having Notice, they preſently laid it upon the Biſhops, and Popiſh Lords in the Houſe, and came immediately to theſe Votes upon it.

Reſolved,

Votes about taking the Proteſtation and impeaching the Biſhops.

Reſolved, &c. *That this Houſe doth conceive that the Proteſtation made by this Houſe, is fit to be taken by every Perſon that is well affected in Religion, and to the good of the Common-Wealth; and therefore doth declare, that what Perſon ſoever ſhall not take the Proteſtation, is unfit to bear Office in the Church or Common-Wealth.*

Reſolved, &c. *That the Knights, Citizens and Burgeſſes, and the Barons of the Cinque Ports reſpectively, ſhall forthwith ſend down to the ſeveral Places for which they ſerve, Copies of this Vote of the Houſe, concerning the Proteſtation.*

Reſolved, &c. *That theſe Votes ſhall be printed, and Atteſted under the Clerks Hand.*

It was alſo Ordered, *That a Committee ſhall prepare an Impeachment againſt the Biſhops, the Makers of the New Canons and Oath, upon the Votes that have paſt both Houſes concerning theſe Canons and Oath, to meet this Afternoon in the Inner Court of Wards.*

Saturday, July 31.

The farther Debate concerning the Bill for aboliſhing Epiſcopacy, was this Day reaſſumed by the Commons, who were extremely Nettled at the throwing out the Bill for taking the Proteſtation out of the Lords Houſe, and it was Ordered, That the Knights and Burgeſſes of every County, bring in the Names of nine Perſons, who were to be Eccleſiaſtical Commiſſioners upon whom the Power of the Church Government ſhould be devolved, and that no Clergy-Man ſhould be of the Commiſſion.

So that upon the Matter, here was to be a thorough Reformation indeed, and not only the Biſhops were to be excluded from Government, but even all the Inferior Clergy. A Government ſo far from Primitive, that no Age ever ſaw any thing like it, and which had it ſucceeded, would have juſtified the Vulgar Scomm of the Papiſts, that our Religion is a Parliament Religion.

The Treaſurer of the Nvay made a Report, that there is due to the King's Navy 113000*l.*

An Order of the Lords for ſecure conveyance of the Money to the Army.

In the Houſe of Lords this Day, was made an Order for the more ſecure conveyance of the Money to the Army.

W*Hereas His Majeſties Treaſure for his Army, is forthwith to paſs thorough ſeveral Counties unto* York, *foraſmuch as it is held fit for the more ſafe Conveyance of it, that the ſame ſhould be guarded by Day and Watched by Night, Theſe are therefore in the Name of the Houſe of Parliament, ſtraightly to Charge and Require you, in your ſeveral Counties reſpectively, to appoint ſome able and ſufficient Perſons of Quality, to aid and guard his Majeſties ſaid Treaſure from Time to Time, and from Place to Place through the ſeveral Counties, and to appoint ſome like Able and Sufficient Men to Watch and Guard the ſame by Night, at every Town and Place where the ſame ſhall ſtay, as Occaſion requires. You are likewiſe to provide convenient Rooms for the Treaſure, and Lodging of thoſe that attend it, and Carts and Teams for the conveyance thereof, paying the uſual Rates: wherein you may not fail to uſe all poſſible Care and Diligence, as you tender the high Diſpleaſure of this Houſe, and will anſwer the contrary at your utmoſt Perils, for which, this ſhall be a ſufficient Warrant. Dated the ſecond Day of* Auguſt 1641.

To all Majors, Sheriffs, Juſtices of Peace, Bailiffs, Conſtables, Headboroughs, and all other his Majeſties Officers and loving Subjects whom it may concern, to be aiding and aſſiſting to *William Harriſon* and *Nicholas Goldsborough,* and other Conductors of the ſaid Treaſure.

Monday, Auguſt 2. Difference between the Lords and Commons about printing the Votes for taking the Proteſtation.

The Lords being ſtartled at this way of Procedure, in the Commons in the Votes of *Friday* about the Proteſtation, ſent a Meſſage to them for a Conference, but the Meſſage not expreſſing the Subject of it, the Commons took it ill, and refuſed to meet, as being contrary to the Cuſtom of Parliament, but afterwards they ſent by Meſſengers of their own, deſiring to know of their Lordſhips the Occaſion of their former Meſſage: upon which their Lordſhips informed them, that it was about the printed Papers injoyning the taking of the Proteſtation. Whereupon a Conference being had, the Lords acquainted them, that they deſired there might be a fair Correſpondence between both Houſes, and in Order thereunto, they deſired to be ſatisfied of two things by the Commons.

1. Whether thoſe Printed Papers were the Votes of their Houſe?
2. Whether they were Printed by their Command?

To both which they were Anſwered affirmatively, and that they would give their Lordſhips further ſatisfaction in it.

Several Bills paſſed the Lords Houſe for *Hool* Chappel, for Gun-Powder, and for *Stannery* Court and *Eggars* Free-School.

This Day theſe Bills being thrice read in the Lords Houſe, and put to the Queſtion were paſſed there.

1. The Bill for making the Chappel of *Hool,* a Pariſh Church.
2. The Bill for free bringing in of Gun-Powder, and Sal-Petre from Forreign Parts, and for the Free making of Gun-Powder in this Realm.
3. The Bill for regulating the *Stannery* Courts.
4. The Bill for *Eggars* Free-School in *Alton* in *Com. Southam.*

Tueſday, Auguſt 3.

At a Conference this Day with the Lords, Mr. *Hollis* made this following Speech in Juſtification of the Votes of the Commons upon *Friday,* concerning the General taking of the Proteſtation.

Mr. *Hollis's* Speech in juſtification of the Votes for taking the Proteſtation, *Aug.* 3. 1641.

My Lords,

I Am commanded by the Knights Citizens and Burgeſſes to preſent unto your Lordſhips their Anſwer to what was propoſed yeſterday.

1. They take notice of your Lordſhips deſire, that a true intelligence may be kept between the two Houſes, for ſo your Lordſhips did expreſs it.

In this they do with all cheerfulneſs concur with your Lordſhips, as knowing this conjunction between your Lordſhips and them is the *Golden Chain* which binds up in one *Gordian knot* the Strength, the Beauty, the Happineſs of this Kingdom, which ſo knit together is not to be broken in ſunder of the fierceſt viloence.

Therefore who deſires to unlink this Chain, and diſſolve this Knot, or fails of his part to the preſerving and continuing it faſt, and firm, and entire, let the ſin of it lye at his Door; nay, let it come into the midſt of his Houſe, and conſume it, let him periſh, and his poſterity Inherit only his ſhame.

So careful will the Houſe of Commons be to cheriſh and maintain this good correſpondency with your Lordſhips in all things.

Then for the buſineſs about which your Lordſhips were then pleaſed to confer with them; which was a Printed Paper you had met withal, as you ſaid, in your Houſe, ſetting forth ſome Reſolutions of the Houſe of Commons: concerning which you have put unto us theſe two Interrogatories, *viz.* The firſt and ſecond Votes, which were read, As before *Friday* 30 *July.*

And not finding this Paper atteſted by the Clerks under his Hand, they could not judg of it, till they had reſorted to his Book where their Orders and their

July, 1641.

Votes are entred: where they found their Votes concerning their late Proteſtation, taken both by your Lordſhips and them, and they found the contents of this Paper to agree *in terminis* with what is entred in their Clerks Book.

Then they called to mind what had paſſed in the Houſe upon that occaſion when thoſe reſolutions of theirs were Voted: How they had conſidered of that Proteſtation that it bound all men to defend the *Religion* here Eſtabliſhed, &c.

This they conceived to be a true Teſt of every good Subject, a *Shibboleth* to diſtinguiſh the *Ephramites* from the *Gileadites*, that whoſoever was well affected in Religion, and to the good of the Common-wealth, would make this Proteſtation: and on the other ſide, who would not make it was not well affected.

And ſuch a man they held it their duties, in diſcharge of the truſt repoſed in them by the whole Body of the Kingdom, all the Commons of *England*, who have ſent them out as ſo many Sentinels to watch for them, to give them notice of the good or the evil, Friends or Enemies, coming towards them, they held it I ſay, their duties to declare their Opinions, that ſuch a Man was not their Friend, was unfit to bear Office either in Church or State, and therefore they paſſed this Vote, that it is a thing fit and neceſſary to be done by them; and for ſuch they do avow it.

And beſides, they thought it fit to give an account to thoſe who had employed them, the ſeveral Counties and Burroughs that ſent them, to give them a mark, by which they might know who were good men, lovers of their Countrey, fit to be intruſted with Offices, with the overſight of any part of Church or State: and therefore they gave order this Vote ſhould be ſent down unto all the parts of this Kingdom.

And laſtly, that it might be done ſpeedily, and not ſtay the Writing out of ſo many Copies, they gave order it ſhould be Printed, and be atteſted under the Clerks Hand, with order, &c.

The Copies of which three orders your Lordſhips have in this Printed Paper, which the Commons aſſembled in Parliament have Commanded me to ſignifie unto your Lordſhips, and that the paſſing of theſe Votes they do own, they do avow, they do juſtifie.

Mr. Serjeant *Wild* Reports from the Committee, for the Impeachment of the Biſhops for the New Canons, &c. But the further conſideration of it was deferred till the next day, and the Houſe entred upon the further Debate of the Bill for aboliſhing Epiſcopacy.

Two Private Bills one for Mr. *Byarley*, the other for Sir *Alexander Denton*, were paſſed the Houſe of Lords this Day.

Exceptions taken at a Letter from the Speaker of the Lords Houſe in *Ireland*, to the Speaker of the Lords Houſe in *England*.

Then a Letter dated the *27th* of 1641 was read, ſent from the Speaker of the Lords Houſe in *Ireland*, to the Speaker of the Lords Houſe in *England*, and becauſe the Houſe conceived this Letter entrenched upon the Juriſdiction and Priviledge of this Houſe, therefore it is Ordered, *That the L Chamberlain, E.* March and *E.* Briſtol, *Viſcount Say and Seal, do attend the King, and ſhew him this Letter, and deſire him from this Houſe, that he will be pleaſed to make ſtay of the paſſing of thoſe Acts of Grace and Favor that are in Treaty concerning the Kingdom of* Ireland, *until this Buſineſs be determined in this Houſe; and further humbly to deſire, that the Levying of the* 14 *thouſand Soldiers in* Ireland *may be ſtayed, if it be not already done*; Then theſe Lords, L. Privy Seal, E. *Bath*, E. *Southampton*, Epiſcopus *Lincoln* were appointed to have power from this Houſe to ſearch Records, and Preſidents concerning *Ireland*'s dependency upon this Kingdom, and to report the ſame to this Houſe.

Wedneſday, Auguſt 5.

The Houſe of Commons was informed that the E. of *Warwick* hath

July, 1641.

paid the *Scots* 50000 *l.* and will have to morrow 52300 *l.* more ready for them, which is all the Arrear that is due to them.

Serjeant *Wild* Reports the remaining part of the impeachment of the Biſhops concerning the New Canons, which being read and aſſented to, was immediately engroſſed and by him ſent up to the Lords, where he delivered it in this manner at the Bar of the Lords Houſe.

My Lords,

The Impeachment of the Biſhops for the New Canons & Oath, *Aug.* 4. 1641.

THe Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, being ſenſible of the great infelicities and troubles, which the Common-wealth hath ſuſtained by the exorbitant courſes of the Biſhops, and knowing well that the Wiſe man ſaith, That if Sentence be not ſpeedily executed againſt an evil Work, the Hearts of the Sons of Men are ſet upon further miſchief; The timely redreſs whereof doth better become the Wiſdom of Parliament, then a too late woful repentance, have commanded me to repreſent unto your Lordſhips, That

Walter Biſhop of *Wincheſter*,
Robert Biſhop of *Coventrey* and *Lichfield*,
Godrey Biſhop of *Glouceſter*,
Joſeph Biſhop of *Exceter*,
John Biſhop of *Aſaph*,
William Biſhop of *Bath* and *Wells*,
George Biſhop of *Hereford*,
Matthew Biſhop of *Ely*,
William Biſhop of *Bangor*,
Robert Biſhop of *Briſtol*,
John Biſhop of *Rocheſter*,
John Biſhop of *Peterborough*,
Morgan Biſhop of *Landaff*, together with
William Arch-Biſhop of *Canterbury*, and others of the Clergy of that Province, at a Convocation or Synod for the ſame Province begun at *London* in the year 1640, did contrive, make, and promulge ſeveral Conſtitutions and Canons Eccleſiaſtical, containing in them divers matters contrary to the Kings Prerogative, To the Fundamental Laws and Statutes of the Realm, To the Rights of Parliament, To the Propriety and Liberty of the Subjects, and matters tending to Sedition, and of dangerous conſequence.

And to add the more weight and efficacy to this their monſtrous deſign, They did at the ſame Synod under a Specious and fair Title grant a Benevolence or Contribution to His Majeſty, to be paid by the Clergy of that Province, contrary to Law: It reſted not there, for though this had been enough to have affrighted and terrified the Kings People with ſtrange apprehenſions and fears: yet that theſe might not ſeem to be contrivances of the Brain or Fancies only, they were put in execution, and were executed upon divers with animoſity and rigour, to the great oppreſſion of the Clergy of this Realm, and other His Majeſties Subjects, and in contempt of the King and of the Law.

Whether theſe Perſons, my Lords, that are culpable of theſe offences, ſhall be thought fit to have an Intereſt in the Legiſlative power your Lordſhips wiſdom and juſtice is able to judg.

But for theſe matters and things, the Knights, Citizens and Burgeſſes of the Commons Houſe in Parliament, in the name of themſelves, and of all the Commons of *England*, do Impeach the ſaid Biſhops before named, of the Crime, and miſdemeanors before expreſſed, and do therefore pray that they may be forthwith put to their anſwers in the preſence of the Commons, and that ſuch further proceedings may be had againſt them as to Law and Juſtice ſhall appertain.

Whether the Lords were ſatisfied with this Declaration of the Commons Reaſons about the Proteſtation is uncertain, but however they were ſatisfied, that the Commons were Reſolved to have it ſo, with or without their Conſent; and poſſibly they ſaw that had they oppoſed a thing, then ſo Popular as this was, the inraged Commons would have impeached the greateſt number of them who had oppoſed it, as well as they did the Biſhops, or at leaſt have expoſed them to the Popular Rage of the Tumults, as they did the *Straffordians*, and by that means have excluded them the Houſe, without the help of either a Vote or Bill.

And from this Speech I am aſſured the moſt Partial Reader may eaſily ſatisfy himſelf, what was the Original Deſign and Intention of this Solemn Proteſtation, which at firſt appeared ſo harmleſs and Innocent, that even many of the Biſhops themſelves took it. For that it was not Religion, but a perfect Politick Stratagem to enable the Faction, to accompliſh their long intended Deſign of altering the Government, this Speech makes evident beyond the Poſſibility of Doubting, it was to be the Shibboleth of the Party, and the Character of Perſons fit to be truſted with Offices and Power, both in Church and State. Thus did theſe Politicians ſtalk with Religion, and make uſe upon all Occaſions of that Sacred and Venerable Name, the better to gain the Eſteem of the People, and to be able by their power more effectually to accompliſh their own Deſigns.

Report of the Conference about disbanding.

Mr. *Pym* Reports the Conference with the Lords about disbanding. *That the Earl of* Briſtol *was pleaſed to ſay, That the Buſineſs he was to ſpeak of, was of great Importance, and that no other Buſineſs but would be delayed at leſs Charges then this might be.*

That the Lords Commiſſioners propounded to the Scots *Commiſſioners to march homewards the* 9th *of* Auguſt, *but many of them being then out of Town, their Anſwer was uncertain: but now my Lord of* Lowdon *being returned out of* Scotland, *the Commiſſioners met yeſterday, and they gave this Anſwer.*

It is impoſſible for them to return the 9th *of* Auguſt, *or any other prefixed Day, becauſe the removal of their Army, depends upon the whole Arrears due to them from Us, and of* 80000 l. *part of the Brotherly Aſſiſtance which was promiſed by Us, they ſhould receive: and without this, they could not disband their Army; yet undertake, that though there be no prefixed Day, yet within* 48 *Hours after Payment of the Monies at* New-Caſtle, *they would not ſtay under any Roof, till they were out of the Kingdom.*

It was propoſed to them to receive the 80000 *l.* the 10*th* of *September*. My Lord *Lowdon* returned this Anſwer.

That there is an abſolute impoſſibility to give Satisfaction to their Army to march away, unleſs they have with their Arrears the 80000 l. *for that they are in debt to their own Army* 30000 l. *which muſt be paid now. And he further added, That nothing but an impoſſibility ſhould make them ſtick at any thing the Parliament doth deſire.*

My Lord of *Briſtol* ſaid further in his own Name and the Name of the Lords Commiſſioners for *England*, *That it was fit for both Houſes, to joyn together to pluck up this Buſineſs by the Roots.*

He ſaid, *That whereas there is about* 28000 l. *Debt due from the* Scots *to the County* Palatine *of* Durham *and* New-Caſtle, *Certified under the Commiſſaries Hands, that they would be content that that Summ might be deducted out of the* 80000 l. *here, if the Country will be Content to be paid by the Parliament, and deſired that a Letter might be ſent to the Commiſſioners of thoſe Counties, to treat with the County to get their conſent accordingly.*

He ſaid further, *That this matter did not ſtand upon one ſtring, there is another matter which is concerning the Treaty: the Commiſſioners being now returned, have brought word that the Parliament in* Scotland *have viewed and paſſed the Treaty, only ſome few things of Explanation altered; ſome other things there were, wherein they were not fully ſatisfied in their demands, yet have declared this ſhould breed no difference, but would leave it to be ſettled by Commiſſioners at better leizure. And ſo they have agreed this day to meet to Collate the Treaty, and have reſolved to draw it into the form of an Act of Parliament, and they hope to finiſh it within a day or two.*

The next thing was for the Security of the 220000 l. *behind of the Brotherly Aſſiſtance, and this was yielded to in the general, having formerly ſigned this, therefore deſire this Houſe to haſten the Bill for the Security for the payment of this Mony, and that ſome* 5 *or* 6 *be named of the Commiſſioners, to whom they might reſort for the ſame; and the rather to haſten this becauſe the King takes his Journey on* Monday *for* Scotland.

This being, after the Conference, debated in the Houſe of Commons, Sir *William Darcy*, Sir *John Conyers*, Mr. *Hallyman*, Mr. *Selwin*, and Mr. *Lilburn* undertake that the Country would not only accept payment of the Billet from this Houſe, but will thank this Houſe if they ſhall pleaſe to appoint any ſuch Courſe for the payment of the Billet.

Whereupon it was agreed, That the Houſe will undertake it, and pay 28000 *l.* in *November* next or ſooner: Mr. *Speaker* to write Letters to this purpoſe for the conſent of thoſe Counties.

It was alſo Ordered, *That the Knights, Citizens and Burgeſſes endeavour to expedite the gathering in of the Poll-mony in their reſpective Counties and Places, and the ſending up what is received.*

Order about the Lady *Wotton* a Recuſant Peereſs.

Upon the Petition of the Lady *Margaret Wotton* Baroneſs of *Marleigh*, complaining of an Indictment and Conviction of Recuſancy, proſecuted againſt her contrary to the Priviledges of Parliament: It is Ordered, *That a* Certiorari *do iſſue forth to Return the Indictment into this Houſe, and that a Writ of Errour may alſo be brought to Reverſe the Conviction, if any Error ſhall be found therein, whereupon their Lordſhips will proceed according as they ſhall think fit.*

The Report of the Conference about the Impeachment of the Judges.

The Lord Biſhop of *Lincoln* reported the Conference with the Commons concerning the Judges to this effect.

That the Houſe of Commons had formerly brought up ſix Impeachments againſt ſix ſeveral Judges, one whereof was for High-Treaſon: the proofs of which Impeachment will not ariſe from Witneſſes, but out of Records, which have been Voted by this Houſe already to be illegal, &c. It was further ſaid, *That the Houſe of Commons do underſtand that ſeveral Commiſſions are lately made to theſe ſeveral Judges, who are Impeached for ſeveral Miſdemeanours, to go Circuits in ſeveral Counties in this Kingdom, but they conceive, that their Names will be unacceptable, and their Perſons unwelcome; and, being thus Impeached, to become Judges of Mens Lives and Eſtates will be a thing of great offence and diſtraction.*

Therefore the Houſe of Commons deſired that all the Commiſſions granted to the Peccant Judges may be ſuperſeded, and that their Names may be no more Uſed in Commiſſions, and when the great Affairs now in agitation be diſpatched, they deſired their Lordſhips to take their Impeachments into Conſideration, and proceed therein according to Juſtice.

Ordered,

Auguſt, 1641.

Ordered, *That this Houſe Conſents to both theſe Requeſts of the Houſe of Commons touching the aforeſaid Judges.*

Lord *Bruce* introducted

This day the Lord *Bruce* was introducted with the uſual Ceremonies, his Patent bearing Date *Aug.* 2. 1641.

The Kings Anſwer about the *Iriſh* Acts.

The Earl of *March* reported to this Houſe, *That His Majeſty is pleaſed to like well of the Advice of this Houſe concerning the ſtaying of the Acts of Grace and Favour, which were to be paſſed for the Kingdom of* Ireland, *and will give order it ſhall be done accordingly, until this Houſe hath conſidered of the Letter ſent to the Lord Keeper from the Speaker of the Lords Houſe in* Ireland.

Propoſitions of the *Scots* Commiſſioners and Anſwers of the *Engliſh* Lords Commiſſioners, *Auguſt* 5. 1641.

The Earl of *Briſtol* reported the Propoſitions and Articles given in by the *Scots* Commiſſioners, after the Lord *Lowdon*'s return from the Parliament of *Scotland*, which were read as followeth.

Propoſitions for the concluding the Peace with the *Scots*.

“THat the Treaty of Peace may be brought to a ſpeedy and happy Cloſe, we do offer to your Lordſhips Conſideration the following Particulars.

I.

“That as ſoon as the *Scottiſh* Army ſhall remove out of *England* to *Scotland*, the *Engliſh* Garriſons of *Berwick* and *Carliſle* may remove *ſimul & ſemel.*

II.

“Leſt Malefactors who have committed Murder, and the like Crimes, crave the Benefit of the Act of Pacification and Oblivion, for whom it is no ways intended, there would be an Exception from the ſaid Acts of all Legal purſuits intended; or to be intended within the ſpace of one year after the Date of the Treaty againſt Thieves, * Horners, Out-lawers, Fugitives, Murderers, Broken men, or their Receptaries, for whatſoever Thefts, Riſes, Hardſhips, Oppreſſions, Depredations or Murders done or committed by them, and all Lawful Decrets given or to be given by the Parliament, or any Commiſſioners to be appointed by them for that effect, who ſhall have power to Dignoſce and take Cognition, whether the ſame falls within the ſaid Act of Pacification or Oblivion or not.

*A *Scotch* word for Excommunicate Perſons.

III.

“It is deſired that the demand concerning the not making or denouncing War with Forreigners, without conſent of both Parliaments, may be condeſcended unto by the King and the Parliament of *England* which is Ordained and Univerſally obſerved in all mutual Leagues, which are both Offenſive and Defenſive; and becauſe the Wars denounced by one of the Kingdoms with Forreigners, although made without conſent of the other Kingdom, will Engage them by neceſſary Conſequence: Or if the Conſideration of this Propoſition ſhall require longer time then the preſent Condition of the Important Affairs of the Parliament may permit, and leſt the ſpeedy Cloſe of the Treaty be thereby impeded, it is deſired that this Demand with the other Two Articles of the ſame Nature, the one concerning Leagues and Confederations, and the other concerning mutual Supply in caſe of Forreign Invaſion, may all three be remitted to Commiſſioners to be choſen by both Parliaments, who ſhall have Power to Adviſe and Treat

“ there-

Auguſt, 1641.

thereupon for the good of both Kingdoms, and Report to the Parliament Reſpectively.

I V.

“It is deſired, That the Articles concerning Trade and Commerce, Naturalization, mutual Priviledge and Capacity, and others of that nature already demanded, may be condeſcended unto by the King and Parliament of *England*; and namely that demand anent the Preſſing of Men and Ships by Sea or Land: Or if ſhortneſs of time may not permit the preſent determination of theſe Demands, it is deſired, that the ſame, except ſo many of them as are already agreed unto by the Commiſſioners for Trade, may be remitted to Commiſſioners, to be choſen by both Parliaments, who ſhall have Power to Treat and Adviſe thereof for the good of both Kingdoms, and to make Reports to the Parliament reſpectively; and that the Charters or Warrants of the *Scottiſh* Nation for freedom of Shipping in *England* or *Ireland* from all Cuſtoms, Imports, Duties and Fees more then are paid by the Natives of *England* or *Ireland*, granted by King *James* under the Great Seal of *England* upon the 11*th* day of *April*, in the 13*th* year of his Reign, and Confirmed by King *Charles* upon the 19*th* of *April*, in the 8*th* year of his Reign, may be Enacted and Ratified in this Parliament.

V.

“That the Extracts of Bonds and Decrets upon Record, and Regiſters in *Scotland* may have the like Faith and Execution as the *French* Tabellons have in *England* and *Ireland*, ſeeing they are of a like Nature, and deſerves more Credit, and if this cannot be done at this time, that it be remitted to the former Commiſſion from both Parliaments.

V I.

“The manner of Saſe Conduct for Tranſporting the Monys from *England* or *Scotland* by Sea or Land, would be condeſcended unto in ſuch way as the Charges be not Exorbitant, and may be preſently known.

V I I.

“The Tenor of the Commiſſion for Conſerving of Peace, would be condeſcended unto, together with the Times and Places of meeting, and whole frame thereof, the draught whereof, when it is drawn up in *England* is to be repreſented to the Parliament of *Scotland*, that they may make the like Commiſſion, and name their Commiſſioners for that effect.

V I I I.

“The Parliament of *Scotland* do join their earneſt and hearty deſires, and craves the Parliament of *England*'s Concurrence, that none be placed about the Prince's Highneſs, but ſuch as are of the Reformed Religion.

I X.

“That an Act of Parliament of Publick Faith for payment of the 220000 *l.* which is Arrear of the Brotherly aſſiſtance may be preſent-

Auguſt, 1641.

“ ly framed and expedited according to the Terms agreed upon.

X.

“ It is deſired that the *Quorum* to whom the *Scots* ſhould Addreſs themſelves for payment of the 220000 *l.* be condeſcended upon.

XI.

“ That the Order for recalling all Proclamations made againſt His Majeſties Subjects of *Scotland*, be drawn up, and intimate in due Form and Time, with the Public Thankſgiving at all the Pariſh Churches of His Majeſties Dominions.

XII.

“ It is deſired, That the Articles concerning the Caſtle of *Edinburgh*, and other Strengths of that Kingdom may be underſtood to be, that the ſame ſhall be diſpoſed of for the Weal of the Kingdom, as the King and Parliament ſhall think Expedient.

The *Engliſh* Lords Commiſſioners Anſwers.

That upon the disbanding the Scottiſh *Army, the Garriſons of* Berwick *and* Carliſle *ſhall be removed according to the Articles of the Treaty in that behalf.*

The Second Article is condeſcended unto, according to the Propoſition added to the Act of Pacification.

The Third Demand concerning making of War with Forreigners, with the other Two Articles concerning Leagues and Confederations, and concerning mutual Supply and Aſſiſtance againſt forreign Invaſion, is agreed to be referred to Commiſſioners to be choſen by His Majeſty and the Parliaments.

As likewiſe the Fourth, Fifth and Sixth Articles concerning Trade, Commerce, Naturalization, mutual Priviledges and Capacity, and other of that Nature, and the demands concerning the Extract of Bonds and Decrets, and the manner of ſafe Conduct for Tranſporting the Monys from England *to* Scotland, *are all referred to be taken into Conſideration by the Commiſſioners to be appointed by both Parliaments, who ſhall have power to Adviſe and Treat thereupon, and report to the Parliaments reſpectively. It is juſt that the Tenor of the Commiſſion for Conſerving of Peace ſhould be agreed on by mutual Conſent, but the cloſing of the Treaty not to ſtay hereupon, but to be left to the Commiſſioners to be named.*

To that deſire concerning ſuch as ſhould be placed about the Prince, the King hath already given a clear ſatisfactory Anſwer. That there be an Act of Parliament of Publick Faith for ſecuring the payment of 220000 l. *which is Arrear of the Brotherly Aſſiſtance is juſt, and order is given for it accordingly, and it ſhall be Communicated with the* Scottiſh *Commiſſioners, that it may be a perfect Security.*

The Tenth, for appointing a Quorum *for attending the payment of the Mony is already moved to the Parliament, and will be done as is deſired.*

The Eleventh Article is very juſt, and order ſhall be given accordingly for recalling all Proclamations, and for Publick Thankſgiving.

The Twelfth Article for the Caſtle of Edinburgh *and other Strengths of*

Scotland, *is to be ſettled betwixt His Majeſty and the Commiſſioners of* Scotland, *or by His Majeſty and the Parliament of* Scotland.

Which being read, this Houſe approved both of the Propoſitions and the Anſwers, and Ordered, *That they ſhould be Communicated to the Houſe of Commons to morrow morning.*

Thurſday, Auguſt 5. Report of the Conference about the *Cuſtos Regni.*

Mr. *Pym* Reports the Conference with the Lords concerning the *Cuſtos Regni.*

Lord Privy Seal told them, *That the occaſion of this Conference was the matter of a former Conference deſired by this Houſe, wherein two Propoſitions were delivered concerning a* Cuſtos Regni, *Commiſſioners to be appointed in the Kings abſence to Paſs theſe Bills,*

1. *The Act of Treaty.*
2. *Any Bill for raiſing Mony as there ſhall be occaſion.*
3. *For raiſing of Forces for Service at Sea and Land, to reſiſt forreign Invaſions or Seditions at home, with all things neceſſarily incident thereunto.*
4. *Any Bill for Tonnage and Poundage, or other Duties upon the Exportation or Importation of Commodities.*
5. *The Bill for the preſervation of the Mines for* Salt-Petre, *and making* Gun-Powder *for the defence of the Kingdom.*
6. *A Power to Paſs the Bill concerning the* 8 *Subſidies given by the Clergy.*

A ſhort Act to be drawn Authorizing the Paſſing of Bills to be conceived upon theſe Heads.

Lord *Say* ſaid, *That the Lords intended not to conclude this Houſe, but that they might add what they ſhould think neceſſary to be Expedited in the King's abſence, and that ſome Courſe might be taken that the Parliament might Sit till an Act might paſs to Enable and Confirm this Commiſſion.*

The Houſe was then acquainted, That the Biſhoprick of *Durham*, County of *Northumberland*, and Town of *Newcaſtle* are willing to take the Parliaments Security for Billet: Whereupon it was agreed, *That the Houſe is contented to pay with all ſpeed unto the* Scots *Commiſſioners the reſidue of the* 80000 l. *which they have provided accordingly, and deſire that the* Scots *Commiſſioners give ſpeedy notice thereof unto their General, whereby he may apply himſelf to put the Army into a readineſs to march away according to their promiſes, immediately upon the receipt of the ſaid Monys. And this Houſe deſireth they will receive ſo much of the ſaid Mony here as conveniently they can diſpoſe of, and the Houſe is ready to ſend the Reſidue to* Newcaſtle *if they ſhall deſire it.*

Mr. *Smith* a Miniſter ſent to the *Gate-houſe.*

This day one Mr. *Smith* Rector of *Long-Ditton* in *Kent*, who was ſent for as a Delinquent, upon an Information given in againſt him by ſome of the Godly and Well Affected Party, that he ſhould ſay, *The Houſe of Commons had undeſervedly Impriſoned an honeſter Man than any of themſelves, in the Tower*; meaning the Arch-Biſhop of *Canterbury*. For which he was committed to the *Gate-Houſe*.

Bill againſt Knighthood, paſſed by the Lords.

This day the Bill to prevent vexatious proceedings touching the Order of Knighthood being read a Third time, and put to the Queſtion, it was Reſolved to paſs as a Law.

Meſſage from the Commons about disbanding.

A Meſſage was brought from the Houſe of Commons by Sir *Philip Stapleton* to let their Lordſhips know, *That they have conſidered of the disbanding*

Auguſt, 1641.

diſbanding of both Armies, and are provided of Mony to effect it, and that they have reſolved to take the Publick Faith of the Scots *for their diſbanding:* Further, That the Houſe of Commons had made an Order, *That the Horſe of the King's Army be firſt diſbanded, therefore do deſire this Houſe to joyn with them, That the Horſe of the King's Army be firſt diſbanded, and that forthwith:* To which after ſome Conſideration the Lords agreed.

A *Ne exeat regnum* awarded againſt Sir *Tho. Dawes*.

The Petition of the Creditors of Sir *Thomas Dawes* was read, ſhewing, *That they ſtand bound with the ſaid Sir* Thomas *for great Sums of Mony, and they have Reaſon to fear that he will depart this Kingdom:* Hereupon it was Ordered, *That there ſhall be a* Ne Exeat Regnum *iſſued out againſt the ſaid Sir* Thomas Dawes.

Friday, Auguſt 6. Commons reſolved to inſiſt upon a *Locum Tenens* in the Kings abſence.

The Houſe of Commons being upon the Conſideration of the King's Journey, it was

Reſolved, &c. *That this Houſe ſhall, at a Conference with the Lords, inſiſt upon the King's appointing a* Locum Tenens *during his abſence.*

Conference about a *locum tenens* in the Kings abſence.

The Biſhop of *Lincoln* reports the Conference with the Commons about a *Locum Tenens* in the King's abſence, in theſe words,

That formerly the Houſe of Commons had brought up a Propoſition concerning a Cuſtos Regni *in the King's abſence, of which they have received no Anſwer, which makes them now renew it again as formerly, and they do offer ſome more Reaſons.*

(1.) *Becauſe that in the King's abſence many Emergent Occaſions may happen in Parliament or otherwiſe, where neceſſary uſe may be of the King's Authority, eſpecially in theſe time when things are not yet ſo fully ſetled.*

(2.) *That by all Preſidents it doth appear, That when a Parliament was Sitting in the King's abſence, there was a* Cuſtos Regni, *or* Locum Tenens.

(3.) *For to have a Limited Commiſſion to paſs particular Bills in certain matters, wherein the Bills are not yet framed, is without any Preſident that they can find, and may be ſubject to Diſpute and Queſtion, and of dangerous Conſequence.*

Though the ſucceſs did not Anſwer their Expectation, yet it was fairly puſht by the Faction, and had they gained this point, they would by his Authority, which they had not yet learnt to ſeparate from his Perſon, as afterwards they did, have left him little beſides the name of a King before his return out of *Scotland*: But His Majeſty began now though ſomething with the lateſt to be aſſured of what before he had feared; nor had he reaſon to repoſe ſuch a Truſt in any of their Favourites, as his Royal Anceſtors had done in their near Relations; which were the Preſidents they ſhewed, during the Wars of our Kings with *France*, when the Nation was Unanimous, the Commons Peaceable and Obedient, and the Parliaments Zealous of the Prerogative and Greatneſs of their Kings, and the Glory of their Nation, and not Fly-blown with Fears and Jealouſies of Arbitrary Government, even when they ſaw their Sovereigns at the Head of their Victorious Troops; and had the King conſented, the Earl of *Eſſex*, then their Darling, had been the Man, and how far Ambition and Revenge Armed with ſuch Power, and Supported with ſuch a prevailing Faction might have tranſported him, his future Actions do moſt evidently Demonſtrate.

Earl of *Pembrokes* Bill for *Durham* Houſe paſſed the Lords.

The Bill for aſſuring a Meſſuage called *Dureſm-Houſe*, part of the Poſſeſſion of the Biſhop of *Durham*, lying in the Pariſh of *St. Martin's*, to *Philip* Earl of *Pembroke* and *Montgomery* and his Heirs, paying a yearly Rent of 200 *l.* to the ſaid Biſhop and his Succeſſors in lieu thereof, &c. being read a third time, and put to the Queſtion, it was Reſolved by the major part to paſs as a Law.

Report of the Conference about the Treaty.

After which Sir *John Culpeper* reports the Conference with the Lords about the Treaty.

My Lord of *Briſtol* began the diſcourſe, and ſaid, *My Lord* Lowdon *was returned out of* Scotland, *and had brought certain Explanations of the Treaty: That the* Engliſh *Commiſſioners had looked them over, and had preſented them to the Lords, who have approved thereof, together with the Anſwers, and had commanded him to preſent them to us. My Lord* Wharton *read the Propoſitions, and the other the Anſwers; when theſe Papers were read, he ſaid, The Lords deſired they ſhould be read in this Houſe for form ſake, and agreed upon here, and ſent up with all ſpeed to the Lords, whereby it may be put into an Act of Parliament.*

The *Scots* coming into this Kingdom coſt the Nation 1100000 *l.* beſides damages.

His Lordſhip went further, and ſaid, *he had ſomething more to deliver concerning the Treaty at* Rippon, *of the Reaſons that moved thoſe Commiſſioners to agree unto it, and though it might not be accounted ſo full of Glory and Honour to the Nation, as it had been in former times, yet conſidering the ſtrait that ſome perſons have put this Kingdom into, it is a happy Concluſion both for the King and Kingdom: That it had coſt the Kingdom 1100000.l beſides Damages, and that he thought it convenient that ſome Writing be drawn concerning this Treaty for ſatisfaction to Poſterity, of the Carriage of this Buſineſs.*

My Lord Privy Seal then ſpoke concerning the *Spaniſh* Ambaſſador, and ſaid, *That the 12000 Men, which the* Spaniſh *Ambaſſador did deſire was an Army, and that the King was now content he ſhould accept of three or four thouſand, if the Parliament did adviſe him, to which the Lords have aſſented, and deſired the advice of this Houſe.*

My Lord of *Briſtol* ſaid further, *That when the* Spaniſh *Ambaſſadour disburſed this Money, it was an acceptable work to this Kingdom, and therefore it was a great conſideration to move their Houſe unto it, and conſidering how many thouſand Pounds he hath disburſed about the ſame.*

The Houſe after the reading of them aſſented to the Articles propoſed by the *Scots* at the Lord *Lowdon*'s return.

I could heartily wiſh there had been ſuch a writing drawn as my Lord of *Briſtol* deſired, and thought fit for the ſatisfaction of Poſterity, and that I could have obliged them with a view of it. But I fear our Grand-Children will bluſh to ſee the blood of their Anceſtors ſo palled in their Veins, as without a blow ſtruck in a manner, or any generous reſiſtance made, at the expence of 1100000 *l.* beſides Damages, to purchaſe an inglorious Peace from an invading Enemy.

Yet poſſibly ſomething may be pleaded in mitigation, when it ſhall appear that it ought not wholly to be attributed to the Body of the *Engliſh* Nation, but to the Arts of the diſcontented Presbyterian Faction, who firſt Invited, then Courted and Careſſed theſe friendly Enemies, giving them the ſoft Title of their Brethren of *Scotland*, and ſweetning that heavy Impoſition of mony, which the whole Nation was to bear, with the Title of the Brotherly Aſſiſtance; that ſo by their help, if the King ſhould not comply with their deſires, they might obtain that from him by Force and Arms, which they could not by all their Arts of Flattery and Diſſimulation, in which certainly they were the moſt accompliſhed Perſons in the World.

Now, that it may appear that there was a Foundation for this Invitation of the *Scottiſh* Army to invade *England*, beſides what I have ſeen in ſeveral Prints, that Mr. *Hambden* and others, principal Men of the Faction, made frequent Journeys into *Scotland*, and had many Meetings and Conſultations, how to carry on their Combination and joynt Concern. I will give the Reader a ſhort Account, out of the Memoirs of the late Earl of *Mancheſter*, then Lord *Mandeville* an Actor in this Affair, which take in his own Words, and as I have good Aſſurance written with his own Hand, as follows.

“WHen, ſaith he, the Commiſſioners were come to *Rippon*, all due Ceremonies and Civilities were performed each to other, which ended the firſt Days meeting. And here give me leave to make a neceſſary Digreſſion, for the Vindication of thoſe Lords, whom the * Lord *Savile* had made Parties, to the deſign of bringing in the *Scotch* Army.

An Act out of the Lord *Mancheſters* Memoires of the Invitation of the *Scots* to invade *England*.

* This Lord *Savil* was an Illegitimate ſlip of the Honorable Family of the *Savils*, which makes it the leſs to be admired that he ſhould do ſo baſe & degenerate an Action.

“When the *Scotch* Commiſſioners, had paſſed the Ceremonies and General Civilities at the firſt meeting with the *Engliſh* Commiſſioners, the Lord *Lowdon*, and Sir *Archibald Johnſton* applied themſelves particularly to the Lord *Mandeville*, deſiring him to give them a private meeting, that they might impart to him, ſomething of near concernment to himſelf and others of the Lords then preſent; this was readily granted, and they three, went immediately to the Lord *Mandevilles* Lodging, where being ſet together, the Lord *Lowdon* begun with very ſevere Expoſtulations, charging the Earls of *Bedford*, *Eſſex* and *Warwick*, the Lord Viſcount *Say* and *Seal*, the Lord *Brook*, *Savile* and himſelf, with the higheſt breach of their Promiſes and Engagements, profeſſing that they had never invaded *England*, but upon confidence of their keeping Faith with them, according to thoſe Articles which they had Signed and ſent unto them.

“When this Narrative was made by the Lord *Lowdon*, and confirmed by Sir *Archibald Johnſton*, the Lord *Mandeville* ſtood amazed, and proteſted with clear and ſolemn Aſſeverations, that he was a Stranger and altogether ignorant of any ſuch Deſigns, Articles or Ingagement, and he was very confident, that he might affirm the like in the behalf of the reſt of thoſe Lords, whom they thus charged with breach of Promiſe; but this Denial was no way Satiſfactory unto them, but was taken as a diſingenuous Denial, and the Lord *Lowdon* urged it as an Act of great Ingratitude towards them, that had hazarded all that was dear unto them, upon the preſſing Perſwaſions, and ſolemn Ingagements of thoſe Lords, and they told the Lord *Mandeville*, that the Lord *Saville* had firſt treated with the Lord *Lowdon* when he was Priſoner in the Tower, in the Names of a conſiderable Part of the Nobility and Gentry of *England*; and that after he was releaſed, and had been ſome few Weeks in *Scotland*, the Lord *Saville* ſent the Articles of Agreement, ſubſcribed by thoſe Lords into *Scotland*, by Mr. *Henry Darley*, and they did not doubt, but the Lord *Saville* would avow all this to be true.

“The Lord *Mandeville* willingly accepted of the Lord *Savilles* Teſtimony of the Truth of their Aſſertions, and deſired they might meet the next day with the Lord *Saville*, but that in the Interim, he might “not know what had now paſſed between them, which they promiſed; and the next day they all met, and when the Lord *Lowdon* had made his Narrative, and urged his former Charge, he in the preſence of the Lord *Mandeville*, with a ſurprized Countenance and other Expreſſions of Guilt, confeſſed the Truth, acknowledging that he had never acquainted any of thoſe Lords, with the leaſt particular of the Deſign, or of the Articles of Engagement, and that he had counterfeited their Hands, in ſubſcribing their Names to the Declaration and Engagement, which was ſent into *Scotland*: ſome Apologies he did offer, as that he found the backwardneſs of the Covenanters to be ſuch, that they would not hazard a coming into *England*, until they had a full Engagement, from Perſons of greater Intereſt in *England* then himſelf; He began to conſider, what Perſons of Honor were in greateſt Eſteem with the Covenanters, and his Thoughts were fixed on theſe Lords, yet knowing it impoſſible to gain them to conſort with him, in ſo Traiterous a Deſign, he found it neceſſary to act in a way of Falſhood, rather then loſe the advantage of ſo hopeful a Deſign.

Providence intituled to the hopeful Succeſs of Rebellion, and ſure a hopeful Reformation was like to ſucceed ſuch a beginning.

“He further added, That ſince, by the Providence of God, the Succeſs of their Enterprize, had been ſo far above their Expectations, thô few but himſelf, knew of the Deſign at firſt, yet he did believe now, that the beſt part of *England*, did hope to find an happy Opportunity for the Redreſs of the Publick Grievances of both Kingdoms, by the coming of the Army into *England*, therefore he deſired them to ſilence all Diſcourſes, tending either to the diſlike or diſcovery of the Treachery or Falſneſs of his Deſign, and that they would Act vigorouſly and unanimouſly in Order to the Advantage of both Kingdoms.

Proditionem amo, Proditorem odi.

“This was owned by the Lord *Lowdon* and Sir *Archibald Johnſton*, to be a juſt and a full clearing of the Honor and Honeſty of thoſe Lords, whoſe Names had been ſubſcribed, but it made in them a deep Impreſſion of that Lords falſeneſs, which ſhewed it ſelf at that time, by ſome ſharp Reprehenſions; yet in ſuch a conjuncture of their Affairs and ours, they thought it not prudent to ſhew ſo great diſſatisfaction, as might give the Lord *Saville* a total Rejection; therefore they concluded their Conference with this Aſſurance, to the Lord *Mandeville*, that they would give a true account of the Carriage of this Buſineſs to the Committees of Parliament then reſiding at *New-Caſtle*, that ſo thoſe Lords might be righted in their Honors and Faith, which had received a blemiſh, by the boldneſs and Treachery of the Lord *Saville*.

Had the King been acquainted with it, as he ought, in probability it might have conduced much to the good of the Nation.

“The Lord *Mandeville* then made theſe Requeſts unto them. Firſt, that he might acquaint ſome of the Lords which were equally concerned with himſelf, And that the Declaration and Engagement under their feigned Names might be delivered to them. The firſt was granted; the ſecond was promiſed, and after a few Daies they received the Engagement from *New-Caſtle*, and did in the Preſence of the Lord *Mandeville*, cut out all the Names and burnt them, but they would not deliver the Declaration and Ingagement it ſelf.

And in another Place, ſpeaking of this Affair, he tells us, that the *Scots* “laboured under ſuch Difficulties and Dangers, by the failing of theſe Supplies which they expected from their ſuppoſed Confederates, as that they had in their Thoughts to Retreat with their Army near to the Borders of their own County, and to caſt themſelves upon his Majeſties

Auguſt, 1641.

"jeſties Grace and Favor, by an Humble Petition and Remonſtrance, "ſetting forth to him and the whole World, the Invitation and Agreement which was delivered to them from ſome Lords, in the behalf as "they conceived of themſelves, and others in *England*, who were cordially Affected to the True reformed Proteſtant Religion, and the "Publick Rights and Liberties of the Nation.

Thus far he, by which it is evident, that though the *Scots* were not in reality Invited into *England*, by thoſe Lords, who favoured their Deſigns, yet being come, they were made Welcome, and the Reformers cloſed in with them, to bring about their intended Work of Reformation.

Saturday, Auguſt 7. The L. *Capel* introducted.

This Day the Lord *Capell* was with the uſual Solemnity, introducted into the Houſe of Lords, his Writ bearing Date, *Auguſt* 6. 17. *Car. Reg.*

A Meſſage was brought from the Commons, about diſbanding, and to move His Majeſty for a Proclamation for the more peaceable Effecting of it.

The Kings Anſwer to the deſire of both Houſes, about diſbanding the Horſe.

Whereupon the Two Houſes Petitioned his Majeſty concerning it, to which He returned this Anſwer. *His Majeſty hath ever ſince this Parliament, taken the Advice of His Parliament concerning the Army; therefore he gives his Conſent concerning the Diſbanding of the Horſe*; *and that He hath given Order, that His Attorney ſhall iſſue out ſuch a Proclamation as is deſired: And His Majeſty doth recommend to the Parliament, the Care of the Diſbanding the Horſe, that the Soldiers may be repaid the Money, which hath been taken from them for their Arms, that ſo Armed Men may not diſperſe themſelves, to the diſturbance of the Kingdom, and that the Arms may be reſtored to the Magazins, for the Defence of the King and Kingdom.*

A Proclamation was accordingly iſſued out as follows.

By the King.

A Proclamation for the Peaceable and Quiet Paſſage of the Troops of Horſe, to be Diſbanded in the North Parts.

His Majeſties Proclamation about diſbanding the Horſe, *Aug.* 8. 1641.

WHereas His Majeſty by the Advice of His Parliament, hath given Order for the ſpeedy Diſbanding of the Troops of Horſe, that are, or lately were part of His Majeſties Army in the Northern Parts of the Kingdom: His Majeſty in his Princely Care, of the Quiet and Safety of His Subjects, doth by this His Proclamation, ſtrictly Charge and Command, that none of thoſe Troops, or Souldiers, after they are Diſbanded, do Travel together, or gather, or continue together above ſix in a Company, under the Penalty of being proceeded with, as Diſturbers of the Publick Peace: And doth hereby likewiſe ſtraitly Charge and Command all Sheriffs, and Juſtices of Peace, of the Counties thorow which they ſhall paſs, or whither they ſhall come, that they fail not to take Care, that the General peace and quiet of His Majeſties Subjects be not diſturbed by any of the ſaid Troops or Souldiers: And that none of the ſaid Troops or Souldiers, do ſtay or abide above one

Auguſt, 1641.

one Night in a place (unleſs it be in Caſe of Sickneſs, or other great Neceſſity) during the Time of their Travel.

Given at the Court at *White-Hall* the Eighth Day of *Auguſt*, in the ſeventeenth Year of the Reign of Our Soveraign Lord CHARLES, by the Grace of God King of *England, Scotland, France* and *Ireland*, Defender of the Faith, &c.

God ſave the KING.

The Judges Opinion about a *Cuſtos Regni.*

The Lord Privy Seal Reported the Opinion of the Judges concerning the *Cuſtos Regni*, and the Commiſſion to paſs Bills in the King's abſence.

(1.) *Concerning the* Cuſtos Regni, *they know not how to deliver any Opinion, it being of ſo high a Conſequence.*

(2.) *Concerning the* Commiſſion, *they hold it good, if it be fortified and backed with an Act of Parliament.* Whereupon it was Ordered to be communicated to the Houſe of Commons at a Conference.

The Act of Pacification paſſed the Lords Houſe.

The *ACT* for the Confirmation of the Treaty of *Pacification* between the Two Kingdoms of *England* and *Scotland*, was read a third time, and being put to the Queſtion, it was Reſolved to paſs as a Law; And ſent down to the Commons by Juſtice *Forſter* and Juſtice *Heath.*

Thanks given to the Lord Commiſſioners and particularly the E. of *Briſtol* for the Treaty. Bill for taking away purveyance read the firſt Time.

MEmorandum, *This Houſe this day gave Thanks to the Lords Commiſſioners for their great Pains and Care beſtowed in the Treaty between Us and the* Scots; *and particular Thanks was given to the Earl of* Briſtol *for his Service done to this Kingdom therein.*

The Bill for taking away of all manner of Purveyance, was read the firſt time.

The Commons then ſent to deſire a preſent Conference with the Lords, about the King's putting off his intended Journey into *Scotland* for 14 dayes longer. At which Mr. *Hollis* delivered the Reaſons of the Commons Deſire in that particular in this manner:

Reaſons for the Kings deferring his Journey for 14 days at a Conference, *Auguſt* 7. 1641.

My Lords,

“I Am Commanded to put you in mind what hath paſſed upon this occaſion before, concerning the Kings Journey to *Scotland*, That both Houſes did Petition his Majeſty not to begin his Journey till the Tenth of *Auguſt*, and to acquaint the *Scots* Commiſſioners therewith, who afterwards deſired this Houſe to expreſs their Reſolutions in the affirmative; upon which the Houſe of Commons paſſed a Reſolution, *That then if his Majeſty pleaſed to go, they would ſubmit unto it.*

“I am Commanded to declare unto your Lordſhips, That the Houſe of Commons is deſirous to ſubmit unto his Majeſties good Pleaſure in all things: but ſuch is the preſent condition of this buſineſs, as it now ſtandeth, that they are enforced to preſent ſome further Conſiderations to your Lordſhips.

Firſt, That when they gave this Aſſent, they were in hope both Armies would have been Diſbanded by that time; but though there hath been all *poſſible means uſed to that end, yet it could not be effected: ſo the ſame Inconvenience doth ſtill continue.*

August, 1641.

Secondly, The Treaty cannot in ſo ſhort a time be finiſhed, being returned from Scotland *but three dayes ſince: but ſince it is ready to be finiſhed, and Moneys are provided, the Armies will be Disbanded, by that time we deſire his Majeſty to take his Journey.*

Thirdly, The Diſtempers and Jealouſies of the Kingdome are ſuch, that they cannot be compoſed by paſſing ſome Acts, unleſs his Majeſty ſtay the deſired time.

Fourthly, No courſe is yet taken for the Government of the Kingdom in his Majeſties abſence, there being ſo many Weighty Things to be taken into Conſideration.

"Upon theſe Reaſons the Houſe of Commons have thought fit to "move your Lordſhips to joyn with Us in a Petition to his Majeſty, to "ſtay his Journey for 14 dayes longer; and we make no doubt but our "Brethren in *Scotland* will conſider the Streight we are in, and for our "Safety condeſcend to our Deſires. And if his Majeſty yield thereunto, "then we ſhall deſire your Lordſhips to joyn with us by ſome expreſs "Meſſenger to the Parliament in *Scotland* for the King's ſtay for that "time, which we hope will give them Satisfaction.

After which Mr. *Hollis* reported the Conference from the Lords, *That the Lord* Say *told them, They had taken into Conſideration the Deſires of this Houſe, and that the Lords would joyn with this Houſe to Petition his Majeſty to be pleaſed to ſtay yet 14 days, if it may ſtand with the Ingagement he has made to that Kingdom; however, that he may ſtay till* Tueſday *Night 6. of the Clock, which they are ſure will ſtand with his Ingagement, but they conclude nothing in this matter till they had firſt heard from this Houſe.*

This was not at all Satisfactory to the Commons, who thereupon put it to the Vote, it was

Reſolved, &c. *That this Houſe ſhall inſiſt upon the former Deſire for his Majeſties ſtay for 14 dayes.*

But while they were in this Debate, and Meſſages went to and fro between the Two Houſes, the King came to the Houſe of Lords, and the Gentleman Uſher of the Black Rod was ſent to give the Commons notice of the King's being there in order to the paſſing ſeveral Bills.

Bills paſſed by the King.

The Publique Bills were,

(1.) *An Act againſt divers Incroachments and Oppreſſions in the* Stannery *Court.*

(2.) *An Act for ſecuring Money to the Northern Counties*, &c.

(3.) *An Act declaring Unlawful and Void the late Proceedings touching Ship-Money, and for Vacating of all Records and Proceſs concerning the ſame.*

(4.) *An Act for the Certainty of Forreſts and of the Meers, Meets, Limits and Bounds of the Forreſts.*

The

Auguſt, 1641.

Private Bills paſſed.

The Private Acts were theſe;

(1.) *An Act for the Settling of Certain Mannors, Lands, Tenements,* &c. *on* Katharine *Counteſs Dowager of* Bedford, William *now Earl of* Bedford, John Ruſſell *and* Edward Ruſſell *Eſquires, Sons of* Francis *Earl of* Bedford *deceaſed.*

(2.) *An Act to Enable Sir* Alexander Denton *to ſell Lands to pay Debts, and provide for his Younger Children.*

(3.) *An Act to Settle the Mannor of* Belgrave, &c. *upon* William Byarley *Eſquire,&c. to pay the Debts of* William Davenport, *Eſquire, deceaſed.*

(4.) *An Act for* John Eggar's *Free School in* Alton *in Com.* Southampton.

(5.) *An Act for the Alteration of the Tenure of certain Lands in* Fulham, Middleſex, *held of the Lord Biſhop of* London, *as of the Mannor of* Fulham.

(6.) *An Act for making the Chappel of* Hool *in Com.* Lancaſter *a Pariſh Church.*

(7.) *An Act for Confirmation of his Majeſties Letters Patents to the Town of* Plymouth, *and for dividing the Pariſh, and Building of a New Church.*

To which the Clerk of the Parliament pronounced the Royal Aſſent in theſe words,

Soit fait comme il eſt deſire.

After which his Majeſty made a ſhort Speech touching the Neceſſity of his going to *Scotland*, adding, *That he had given Order to the Lord Keeper for the further declaring of his Mind therein*; Upon which the Lord Keeper ſpake, Expreſſing his *Majeſties great forwardneſs hitherto in ſo readily and graciouſly complying with his Parliament in gratifying them in all their Requeſts, more than any of the Kings his Royal Predeceſſors had ever done before him*; inſtancing in the ſeveral Bills for taking away the Star-Chamber, Regulating the Council Board, taking away the High Commiſſion Court, Ship-Money, and the paſſing the Bill for the Judges to continue *quam diu ſe bene geſſerint*, and ſeveral other things. After which his Majeſty ſpoke ſome few words, acquainting them, *That he had received an Account by a Nobleman lately come from* Scotland, *of the abſolute Neceſſity of his Journey, and that it was impoſſible for him, without great Inconvenience to his Affairs in that Kingdom, to defer his Journey*; and ſo he took his Leave of their Lordſhips, and bade the Parliament Farewell, and ſo departed.

But the Houſe of Commons returning to their Houſe, fell immediately upon the Debate of it, and ſent a Meſſage by Mr. *Hollis* to the Lords, *Earneſtly deſiring the Lords to joyn with them to Petition his Majeſty either to Subſtitute a* Locum Tenens, *during his Abſence, or to ſtay* 14 *dayes Longer, in regard it ſo nearly concerned the Quiet and Peace of the Kingdom.*

The Lords ſent them in Anſwer, *That they would move his Majeſty to defer his Journey for two dayes longer*; but this gave the Commons little Satisfaction.

Auguſt, 1641.

In this Debate both Houſes ſate till Ten of the Clock at Night, but could not come to any Reſolution; but in the Commons Houſe it was moved, *That in reſpect the Neceſſity was ſo great, and his Majeſty ſo firm in his Reſolution to ſet forwards on* Monday, *that both Houſes might meet and Sit upon Sunday*; and a Meſſage being ſent up to the Lords to deſire their Concurrence, it was accordingly agreed.

Order for the abſent Members to repair to the Houſe.

There being many of the Members of the Commons Houſe abſent, It was this day alſo Ordered by the Commons, *That all the Members of the Houſe, in regard of the Great and Weighty Affairs that import the Safety of the Kingdom, do repair hither to attend the Service of the Commonwealth with all poſſible ſpeed, upon pain of incurring the Diſpleaſure of this Houſe for their neglect.*

And it is further Ordered, That the Knights of the ſeveral Counties, and the Burgeſſes and Barons of the ſeveral Burroughs and Cinque-Ports that are now in Town, ſhall ſend Copies of this Order to the Sheriffs of the ſeveral Counties, to the End it may be publiſhed with all Care and Speed.

Sunday, Auguſt 8.

By Six of the Clock in the Morning there was a Sermon at St. *Margarets Weſtminſter* before the Commons, after which both the Houſes Sate, and the time was wholly ſpent in the morning in Debates, Meſſages and Conferences between the Two Houſes, about Petitioning the King to ſtay yet 14 dayes longer, the Lords inclining not to preſs his Majeſty further in it, and the Commons inſiſting upon their former Votes to that purpoſe.

Aug. 8. 1641. The Report of the Conference about ſtaying the Kings Journey 14 dayes.

The Earl of *Bath* reported the Conference with the Houſe of Commons as follows.

“THat the Houſe of Commons gave their Lordſhips thanks for joining with them, humbly to Petition His Majeſty for deferring his Journey into *Scotland* for 14 days.

“And to the end that it may be no prejudice to the Parliament of *Scotland*, the Houſe of Commons deſires that ſome of the Lords Commiſſioners may acquaint the *Scots* Commiſſioners with theſe particulars following, and deſire their Anſwers.

Propoſitions to the *Scots* Commiſſioners about the Kings ſtay 14 dayes.

(1.) “That the Houſes of Parliament have commanded them to expreſs to the *Scots* Commiſſioners the great care that they have to keep a good Correſpondency betwixt the Two Nations of *England* and *Scotland*, and to take away the Objections which may be made in reſpect of the Publick engagements to ſubmit to His Majeſties pleaſure in his preſent intended Journey.

(2.) “That they take notice of the often Meetings and Adjournments of the Parliament of *Scotland*, and leſt it might be a great inconvenience, the States being now met there, if they ſhould ſtay long there together without doing any thing, both the Houſes of Parliament have Reſolved, that, for the better ſatisfaction of the Parliament of *Scotland*, they will humbly Petition His Majeſty to ſend a Commiſſioner to *Edinburgh*, that if there be preſſing Occaſions to diſpatch any of their Publick Affairs, there may be Authority for the ſame; and if they think good to ſtay His Majeſty's coming to them in Perſon, the Houſes of Parliament do hope that it will be within 14 days of that time wherein His Majeſty was expected there, and they

Auguſt, 1641.

“ ſhall take their conſent thereunto, as a great Argument of their Affection to this Kingdom.

(3.) “ That the Houſes likewiſe do intend to ſend Commiſſioners “ from hence to the *Scottiſh* Parliament, to declare to them the great “ Reaſons which moves them to Petition His Majeſty's ſtay for 14 days, “ which are ſuch as do very much import the Peace and Safety of both “ Kingdoms; as alſo their care to move His moſt Excellent Majeſty to “ ſend His Commiſſioner, that the Parliament of *Scotland* may not be “ diſappointed in reſpect of the diſpatch of their own great Affairs in “ that Kingdom in the mean time.

(4.) And laſtly, “ That the Houſes do deſire the *Scottiſh* Commiſ- “ ſioners in a free and friendly manner to declare to them, whether they “ have lately received any Inſtructions from the Parliament of *Scotland*, “ to preſs His Majeſty's preſent Repair thither in Perſon at the Parlia- “ ment, the 17*th* day of this preſent *Auguſt*.

Hereupon the Earl of *Warwick*, Viſcount *Say* and *Seal*, Lord *Wharton*, Lord *Kimbolton*, and Lord *Savile* were appointed preſently to go to the *Scots* Commiſſioners, and deſire from both Houſes their Anſwer hereunto in writing.

The Lord Keeper reported, That he had delivered the Reaſons to the King in the name of both Houſes, concerning the ſtaying of His Majeſties Journey into *Scotland* for 14 days, and his Majeſty returns this Anſwer.

The Kings Anſwer to the 4 Reaſons for ſtaying his Journey.

That the importance of your deſires would require ſome time of deliberation, if the urgent Neceſſity of the buſineſs did not preſs the contrary, and His Majeſty ſaid the ſame Neceſſity teacheth him to Anſwer, the Neceſſity is two fold,

(1.) *The firſt and chiefeſt, his Publick Faith given to his Kingdom to be preſent at the Parliament; and His Majeſty ſaid, That never any Prince was more ſtrictly bound in Honour to perform any thing then he was to do this.*

(2.) *The Urgency of His Majeſties Affairs there, which indeed he ſaid were very great. To comply with both which he can ſtay no longer then* Tueſday, *and ſo long he thought fit to ſtay, that the Gentlemen of the Houſe of Commons may ſo haſten the* Scottiſh *Treaty, that he may give his Royal Aſſent thereunto ſome time to morrow, for otherwiſe His Majeſty ſhall be forced to paſs it by that Commiſſion which he leaves behind him; but the earneſt deſire his Majeſty hath of paſſing this Important Bill perſonally makes him ſtay thus long, which he knows will be inconvenient unto him.*

To conclude, His Majeſty deſires your Lordſhips to remember, That upon your deſires he hath already ſtayed one Month, and that you by Publick Promiſes are engaged not to urge his ſtay longer then to morrow, therefore remembring all engagements, His Majeſty expects that you preſs him no more in this, for His Majeſty ſaid, indeed he muſt go, and for the Government of the Kingdom, he hopes he ſhall leave behind him ſuch Commiſſions as will ſerve, eſpecially ſince the Parliament is Sitting.

Auguſt, 1641.

The Lord *Brook* was ſent to find out the *Scottiſh* Commiſſioners, and to deſire them to expedite their Anſwer, who preſently returning brought it in writing, which was read in theſe words.

Scottiſh Commiſſioners Anſwer to the 4 Reaſons for the Kings ſtay.

" AS we are very ſenſible of the great Care the Houſes of Parliament have to keep a good Correſpondency betwixt the two Nations, and the Senſe they have of the manifold Inconveniences which *Scotland* doth ſuſtain by their frequent Meeting and Adjourning of the Parliament, ſo we know nothing can more conduce for conſerving that Correſpondency, and for removing theſe manifold prejudices we ſuſtain through the frequent Prorogation of our Parliament, then that the Treaty of Peace, which by the bleſſing of God, and His Majeſties and the Parliaments Wiſdom is now brought to a cloſe, may, as a Sovereign Remedy of the great Evils which troubles both Kingdoms, without further delay be Enacted here for the Peace and ſafety of both Kingdoms, that the ſame may with all ſpeed be Ratified in the Parliament of *Scotland.*

" His Majeſty hath by ſeveral Letters promiſed to hold the Parliament of *Scotland* in his own Royal Perſon, and hath intimated the ſame by Publick Proclamation to all his Subjects there; and although His Majeſty by his Royal Letter of the 18*th* of *May* was obliged to have holden the Parliament of *Scotland* upon the 15*th* of *July* laſt in his own Royal Perſon; or if any unexpected Occaſion ſhould happen to detain him, that he would appoint a Commiſſioner for holding thereof at the day aforeſaid, to do every thing which might conduce to the Eſtabliſhing of the True Religion, Laws and Liberties of their Kingdom: Yet ſuch is the Affection and Reſpect of the Parliament of *Scotland*, to the Parliament of *England*, as notwithſtanding their many preſſing Difficulties, they have condeſcended, that his Majeſty ſtay his Journey into *Scotland* until the 10*th* of *Auguſt*, in reſpect that the Parliament of *England* did Aſſent to His Majeſties going at that time, which the Parliament of *Scotland* doth expect without any further delay.

" What may be the Condition or Importment of Affairs here, or what Reaſon the Parliament hath which moveth them to Petition His Majeſties ſtay, is not proper for us, we will therefore forbear to ſhew our ſelves beyond our Line, but do remit the Conſideration of this to the King and the Parliaments Wiſdom.

" And finally, where it is deſired by the Houſes, that we would in a friendly and free manner declare unto them, whether we have lately received any Inſtructions from the Parliament of *Scotland* to preſs His Majeſties repair thither in Perſon, we do conceive that His Majeſties former Promiſes of going thither in his own Perſon upon the 10*th* of *Auguſt*, and the Aſſent of both Houſes to his Journey, and the Reſolution of the Parliament of *Scotland* to prepare their buſineſs till the 17*th* of *Auguſt*, and after that time, that they will conclude and paſs ſuch Acts as they conceive neceſſary for the good of the Kingdom, a ſufficient Inſtruction for us both to preſs and expect His Majeſties going againſt that time; and the preſſing neceſſity of the Affairs of that Kingdom as ſuch, cannot without danger of irreparable loſs ſuffer longer delay.

This being read, it was Communicated at a Conference to the Houſe of Commons.

Auguſt, 1641.

After a long Tugg, the Commons finding the King reſolute to purſue his Journey, and the Lords unwilling to preſs His Majeſty any further in the Matter, they reſolved to expedite matters ſo as, if poſſible, to ſettle them before His Majeſty goes.

But leſt this Sitting upon the Lords Day, which the *Presbyterians* idolized even to down-right Judaiſm, many of them thinking it unlawful even to dreſs Proviſion for their Families on that day, ſhould ſcandalize them, the Commons were reſolved to do ſomething in Vindication of this ſo unuſual a Sitting, and to give the Nation the Reaſons for it, which Mr. *Pym* did *in hæc verba*.

The Reaſons of the Sitting of the Parliament on the Lords Day.

“WHereas both Houſes of Parliament found it fit to Sit in Parliament upon the 8*th* of *Auguſt* being the Lords Day, for many urgent and unexpected Occaſions concerning the Safety of the Kingdom, and being ſo ſtraitned in time by reaſon of his Majeſties Reſolution to begin his Journey towards *Scotland* on *Monday* following early in the morning, it was not poſſible ſo to ſettle and order the Affairs of the Kingdom either for the Government thereof in the King's Abſence, or for the preſent Safety, as was requiſite upon theſe preſſing Neceſſities; though the Houſes thought it neceſſary to Sit, yet the Lords and Commons Aſſembled in Parliament think it meet to declare, That they would not have done this, but upon inevitable Neceſſity, the Peace and Safety of both the Church and State being ſo deeply concerned, which they do however declare, to the End that neither any other Inferior Court or Councel or any other Perſons may draw this into Example, or make uſe of it for their Encouragement in neglecting the due obſervance of the Lords Day. Which being read, was aſſented to *Nullo Contradicente*.

Sir *Jo. Culpeper* Ordered to carry up this to the Lords for their Concurrence.

Ordered, That Sir John Culpeper *carry up this Order to the Lords, and to acquaint their Lordſhips how it paſt* Nullo contradicente, *and that if it paſs ſo in their Houſe, to deſire it may be ſo entred, that it may appear to Poſterity with what Unanimous Conſent both Houſes of Parliament are ſolicitous for the due Obſervation of the Lords Day; and likewiſe to deſire of their Lordſhips, That it may be printed as the Declaration of both Houſes.* To which the Lords alſo aſſented *Nullo contradicente*. Which being done, it was ordered to be entred in the Journals, and printed for Satisfaction to Poſterity.

A Propoſition from the *French* Ambaſſador.

This day the Earl of *Warwick* reported that the *French* Ambaſſadour was with him, and deſired his Lordſhip, *That he would acquaint this Houſe, That he deſired leave for the Raiſing and Tranſporting of a Regiment of* Engliſh *Souldiers for the Service of the* French *King, and in particular the Earl of* Carnarvan's *Troop of Horſe, and he ſaid if occaſion requires hereafter to imploy them in the Service of the* Palatinate, *the* French *King would add Ten Thouſand Foot to them in that deſign. Hereupon the Houſe thought fit that the* French *Ambaſſadour ſet down his Propoſition in Writing, and then preſent it to this Houſe.*

Duke of *Lenox* made Duke of *Richmond*, and Introducted

This Day the Lord *James* Duke of *Richmond* was with the Uſual Solemnity Introducted, his Writ bearing Date 8*th Aug.* 1641.

Monday, Auguſt 9.

Ordered, That the Gracious Anſwer from his Majeſty be entered in the Journal of the Houſe.

Auguſt, 1641.

A Meſſage from his Majeſty.

His Majeſty ſent this following Meſſage to the Houſe, *That his Majeſty forgot to tell the Houſes yeſterday one Thing, That his Buſineſſes are ſo well prepared in* Scotland, *that he ſhall make no long ſtay there, and intends to be back before* Michaelmas, *and it may be by the midſt of* September.

Concerning the Army, which he is ſorry is not already disbanded, but upon the Word of a Prince he will do his beſt, and hopes not without good effects for the ſpeedy Disbanding thereof.

That beſides the Bill for the Scots Treaty, *another Bill will come down from the Lords for ſecuring the Government in his Majeſties abſence. And his Majeſties Command at this time is to ſignify his deſire to the Houſe, that they paſs both theſe Bills ſome time this Day, that ſo his Majeſty may give his Aſſent unto them. His Majeſty deſires the ſpeedy paſſing of this laſt Bill, conceiving that the paſſing thereof, may aſſiſt his Majeſty in the deſired disbanding of the Armies. And that when his Majeſty upon* Saturday, *bid the Lords ſeverally Farewel, his Intent then was to both Houſes, which if they did not ſo underſtand it, his Majeſty now commanded to ſignifie it as his Intention therein.*

Meſſage from the Commons to have E. *Pembroke*, made L. Steward, and E. *Salisbury* L. Treaſurer.

A Meſſage was brought from the Houſe of Commons by Mr. *Hollis* to let their Lordſhips know, *That they underſtand that the Lord Steward is to go beyond the Seas with the Queen, and ſo is to reſign his Staff. The Houſe of Commons deſires their Lordſhips to joyn with them, to move his Majeſty that he may reſign his Staff to the Earl of* Pembroke, *who is a very fit Perſon for that Place.*

And further he was commanded by the Houſe of Commons to ſignifie, *That they have taken into Conſideration the ſetling of the King's Revenue, and becauſe it will be requiſite to have a Lord Treaſurer, that is a Perſon of Honor and Abilities, they have Voted* Nemine contradicente *the Earl of* Salisbury *to be a very fit Perſon for that Place, therefore the Houſe of Commons deſires that their Lordſhips would joyn with them, to recommend him to his Majeſty for that Place.*

The Bill for the Commiſſion from his Majeſty to give the Royal Aſſent to certain Bills, &c. was paſſed the Lords, and carried down to the Commons.

Bill for publick Faith for Brotherly Aſſiſtance paſſed the Lords.

A Meſſage was brought from the Houſe of Commons by Sir *Arthur Haſlerig*, who delivered from the Houſe of Commons the Bill of Publick Faith, for ſecuring by publick Faith the Remainder of the friendly Aſſiſtance and Relief promiſed to our Brethren of *Scotland*, which was read immediately three times ſucceſſively, and being put to the Queſtion, and it was Conſented to paſs as a Law, *Nemine contradicente.*

Tueſday, *Auguſt* 10. Clerk of the Markets Bill paſſed the Lords Houſe. Conference about the Commiſſion to paſs Bills in the Kings Abſence.

The Bill for Regulating and better Ordering the Clerks of the Market, being read a third time, paſſed the Lords Houſe.

A Conference having been deſired by the Commons, concerning the Bill to ſtrengthen the Kings Commiſſion for paſſing Acts in his Abſence, it was thus reported by the Lord Keeper:

That the Houſe of Commons had returned the Commiſſion, and the Act to enable the Commiſſion, with ſome Amendments, and deſired that ſome Additions might be made both to the Commiſſion and to the Act, for the Commons conceive that they are both too Particular, and not General enough, which may be very prejudicial. For,

(1) *They find no Preſident that a Parliament was ever Sitting, without a General Power.*

(2) *It might be a dangerous Preſident, to accept of a Limited Commiſſion by an Act of Parliament.*

(3) *There may happen Emergent Occaſions for the Safety of the Kingdom which cannot be foreſeen, therefore 'tis dangerous to accept of ſuch a Limited Commiſſion by an Act of Parliament.*

The King paſſes Bills in the Lords Houſe for Pacification, &c.

His Majeſty being come to the Houſe, and the Commons with their Speaker, being come up according to the uſual manner, theſe following Bills were paſſed.

(1) *An Act for the Confirmation of the Treaty of Pacification between the Two Kingdoms of* England *and* Scotland.

(2) *An Act for ſecuring by Publick Faith the Remainder of the Friendly Aſſiſtance, and Relief promiſed to our Brethren of* Scotland.

(3) *An Act for the free bringing in of Gun-Powder, and Sal-Petre from Forreign Parts, and for the free making of Gun-Powder in this Realm.*

Memorandum, *His Majeſty ſaid, he hoped that the Parliament would conſider of a Bill, for making of good Gun-Powder, and for preſerving the Sal-Petre Works for the Defence of this Kingdom; and if they did not, He profeſſeth Himſelf to be clear of the Inconveniences which elſe will follow.*

(4) *An Act for prevention of vexatious Proceedings, touching the Order of Knighthood.*

(5) *An Act for the better Ordering and Regulating of the Office of the Clerk of the Market allowed and confirmed by this Statute, and for the Reformation of falſe Weights and Meaſures.*

The Private Bill was,

An Act for the aſſuring a Meſſuage called Dureſme *Houſe, alias* Durham *Houſe, and certain Stables part of the Poſſeſſions of the Biſhop of* Dureſme, *ſituate in the Pariſh of St.* Martins *in the Fields, in the County of* Middleſex, *unto the Right Honorable* Philip *Earl of* Pembroke *and* Montgomery, *and his Heirs, and of a yearly Rent of* 200l. per Annum, *to the ſaid Biſhop of* Dureſme *and his Succeſſors in lieu thereof.*

Then his Majeſty took his leave of the Parliament, telling them, *He hoped to give good Expedition in disbanding both Armies, and that he would make what haſte he could, if poſſible, to return before* Michaelmas.

Declaration of the Lords about the choice of their Speaker.

Declared and Voted by this Houſe *Nemine contradicente, That the certain and undoubted Right of this Houſe, to chuſe their Speaker, and that the Speaker is not to depart when this Houſe ſits, without the leave of this Houſe, and that this Order be added to the ſtanding Orders of this Houſe.*

Propoſitions of the *Scottiſh* Commiſſioners about Difficulties of their Army, marching away *Aug.* 10. 1641.

The Lords Commiſſioners reported, *That the* Scottiſh *Commiſſioners deſire them to repreſent to the King's Majeſty and the Parliament, That in reſpect of the great Rain which hath fallen in the North, whereby the Cannon cannot be carried through* Kynſidmire, *nor can the* Scottiſh *Army croſs the River* Tweed, *his Majeſty may be graciouſly pleaſed with conſent of the Parliament, to permit the* Scottiſh *Army to March through* Berwick, *ſince there is no other Paſſage.*

But for all they were our dear Brethren of *Scotland*, neither the Lords nor Commons were without Jealouſy of them, as appears by theſe following Particulars.

The Houſe of Lords taking this deſire into Conſideration, did appoint the Lords Commiſſioners to ſpeak with the Scots *Commiſſioners, and propoſe unto them the making of a Paſſage for their Army over the* Tweed *with a Bridge, which the Lord General ſhall have Order to make.*

The Old Proverb is, *Make a Retreating Enemy a Bridge of Gold*; they had made the *Scots* a Bridge of Silver, which Coſt *England* above a Million of Money, and now they were very willing to ſee them gone; To which purpoſe at a Conference this Day the Commons acquainted the Lords.

Report of the Conference about the *Scottiſh Army.*

That whereas formerly it was intimated at a Conference, That the Scottiſh *Commiſſioners declared that their Army would draw themſelves into a Camp, and begin to March away out of this Kingdom within* 48 *Hours, after they had received the Monies of Arrears at* New-Caſtle, *and the* 80000 l. *in part of the Brotherly Aſſiſtance, and had Security for the Payment of the reſt; the Houſe of Commons having now paid them all their Arrears at* New-Caſtle, *and* 80000 l. *in* London, *and have performed all that was agreed to be performed by them, they deſire that the Lords Commiſſioners, may move the* Scots *Commiſſioners in the Name of both Houſes of Parliament, that their Army may march away according to their Promiſe. And further that the Houſe of Commons deſires this Houſe would joyn with them, to write Letters to the Lord General of the Kings Army, to disband the Horſe and Foot preſently, that ſo Peace may be ſetled, and all Jealouſies removed.*

Order of the Lords for Exemplifying the *Acts* for Pacification and Brotherly Aſſiſtance.

Whereupon it was Ordered by the Lords, that this Houſe will joyn with the Commons, in the Deſires of this whole Conference.

It was alſo this day Ordered, *That the two Acts of Parliament, the one for the Brotherly Aſſiſtance, the other for the Confirmation of the Treaty, between the Two Kingdoms ſhall be tranſmitted into the* Chancery, *by Writs of* Certiorari *directed to the Clerk of the Parliament, and ſhall be Exemplified by the Clerks of the Petty Bagg in a Secretary Hand, and this to be the Warrant in that behalf.*

Commiſſioners to be ſent into *Scotland.*

The Houſe after their return from the Lords Houſe, fell into Debate about ſending ſome Commiſſioners from either Houſe into *Scotland*; and accordingly it was Reſolved, &c. *That ſome Commiſſioners ſhall be ſent into* Scotland, *for theſe Purpoſes authorized by both Houſes, to ſee and take Care, that the Acts that concern this Kingdom, be perfected in the Parliament of* Scotland; *and from time to time to give his Majeſty a true underſtanding of the Proceedings of the Parliament here, the Lords to be moved to joyn in Petition, to move the King for it.*

The Bill for Tonnage and Poundage paſſed, and Mr. *Solicitor* was ſent up with it to the Lords to deſire, *That this Bill may paſs by ſpecial Commiſſion, and that it may be ſo contrived, that the Bill may paſs before the King is gone out of the Kingdom.*

And it was immediately read three times ſucceſſively in the Lords Houſe, and paſſed as a Law, *Nemine contradicente.*

The King ſets forward his Journey to *Scotland.*

This Day the King ſet forward in the Afternoon upon his Journey to *Scotland*, accompanied with the Prince *Elector*, the Duke of *Lenox*, now created Duke of *Richmond*, and the Marquiſs *Hamilton*.

Wedneſday, Auguſt 11.

Meſſage to the Lords about the Biſhops that were impeached.

A Letter was this day read in the Houſe of Commons, to be ſent to the Earl of *Holland*, to give Order for the ſpeedy disbanding of the reſt of the Army both Horſe and Foot.

A Meſſage was ſent to the Lords to deſire, *That the Biſhops may be put to a preſent Anſwer, in the Preſence of the Commons as was formerly deſired,* *Auguſt, 1641.*

ſired, the Houſe of Commons being ready to make good their Accuſation; and Sir Arthur Haſlerig *to go up with this Meſſage, and to deſire a Conference about it.*

The Lords Anſwer about the Impeachment of the Biſhops.

Mr. *Glyn* reports the Conference with the Lords about the Biſhops, *That the Lord Privy Seal told them, That ſome Daies ſince, they had received an Impeachment againſt the Biſhops, delivered at the Bar by Word of Mouth, accuſing them of many great Crimes and Miſdemeanors, and that this Houſe did deſire that the Biſhops may be put to a preſent Anſwer, at the time when the Impeachment was delivered.*

They were Matters of great Conſequence, and coming from the Houſe of Commons they were very curious not to proceed but in a Parliamentary Way, upon good Conſideration, whereas the Charges were in general only.

He ſaid further, *There were two Ways of proceeding there, by tranſmiſſion from this Houſe, or by a Charge by Word of Mouth, in this latter the Courſe is to appoint ſome of the Kings Council to draw up particular Charges out of the General; that they would proceed no wayes, till they had firſt acquainted this Houſe therewith. And they further deſired this Houſe to conſider, whether this Houſe would ſtand to the Charge they have already tranſmitted.*

Memorials from the *Scottiſh* Commiſſioners, and Anſwers to them.

The Earl of *Briſtol* Reports certain *Propoſitions* or *Memorials* which were delivered to the Lords Commiſſioners from the Commiſſioners of *Scotland*, as are fit to be perfected upon the Treaty; as alſo the Lords Commiſſioners Anſwers to them.

I.

Prop. 1. The Exemplification of the Treaty, and of the Act for Securing the Remainder of the Brotherly Aſſiſtance, to be writ in Secretary.

Anſwer. *To this it was Anſwered, That it is already Ordered, as is deſired.*

II.

Prop. 2. That a Commiſſion may be granted from the Parliament for Examination of Witneſſes in the Proceſs of Incendiaries conform to the Paper given to the Earl of *Briſtol*.

Anſwer. *The Second is referred to the Lord* Mandevil's *Care.*

III.

Prop. 3. A Licence to the Army to March through *Berwick*, becauſe the Waters are out, that they cannot march over the River of *Tweed*, and ſo cannot appoint a certain day for the paſſing over.

Anſwer. *This is to be propounded to the Houſes of Parliament.*

IV.

Prop. 4. To get an Order for delivery of 42000 *l.* part of the 80000 *l.* and that the remainder of the 80000 *l.* detained for payment of what is due to the *Northern* Counties, may be ſecured by Order of the Parliament, ſo as it may Releaſe the *Scots* at the Counties hands, if ſo much ſhall be found juſtly owing unto them by thoſe who are entruſted on both ſides with the Accounts; and if there be not found ſo much juſtly owing to the Counties, that the overplus be paid to the *Scots*, and that they may have Acquittances from the Counties.

Anſwer. *This is or ſhall be preſently performed by the Earl of* Warwick.

V. That

V.

Prop. 5.

That the time for the removing the *Scottiſh* Army, is to begin after the Receipt of the Arrears and Payment of the 80000 *l.* in manner aforeſaid, and that it is conceived the ſame will be paid unto them before the 15 day of *Auguſt*, and that they have 5. dayes thereafter to draw the Army together in one Body at a Rendevouz, and making themſelves ready with all their Neceſſaries to march, and there is thereafter five dayes allowed them to march to *Scotland*, which will be the 26*th* of *Auguſt* Inſtant, during which ſpace the Maintenance of the Army of 850 l. *per diem* for Relief of the *Northern* Counties, is to be allowed and paid before the Army March.

Anſwer.

The dayes in particular are to be ſet down by the Parliament.

VI.

Prop. 6.

To condeſcend that the Commiſſion for Conſervation of the Peace, and the Commiſſion for the Treaty concerning Trade and Intercourſe betwixt the Two Kingdoms do go on, all the remanent Articles to be referred to that Treaty.

Anſwer.

Order ſhall be given accordingly, and that the Lord Mandeville *will take care.*

VII.

Prop. 7.

To think upon the Warrant and manner of recalling the Declarations and Proclamations made againſt His Majeſties Subjects of *Scotland*, and the manner and time of the publick Thanksgiving for the happy Peace and Union of the Kingdoms.

Anſwer.

It ſhall be moved to the Parliament that Order may be taken accordingly, but the Scots *to be over the* Tweed *firſt.*

VIII.

Prop. 8.

That Order be given to the Northern Counties for carrying their Artillery, Ammunition and Baggage to the River of *Tweed.*

Anſwer.

It may be recommended to the Gentlemen of thoſe Counties to Write their Letters for the performance of what is deſired.

After which the Houſe of Lords agreed to all theſe Propoſitions and Anſwers.

Then a Letter from the Speaker of the Houſe of Lords to the Lord General was read as follows.

The Letter from the Lords to the Lord General, *Aug.* 11. 1641.

May it pleaſe your Excellency.

Your Excellency hath lately received Order from the Houſe of Lords Aſſembled in Parliament for the ſpeedy Disbanding of the Horſe of His Majeſties Army, which they hope is in good forwardneſs. His Majeſty hath now given His Royal Aſſent to the Acts for the concluſion of the Treaty, and the ſecuring the remaining part of the Brotherly Aſſiſtance; and all the Arrears due to the *Scottiſh* Army are upon the way to *New-Caſtle*; I am therefore commanded by the Houſe of Lords, to convey to your Excellency their earneſt deſires that you will with all poſſible ſpeed Disband all the Regiments of Foot, and the Train of Artillery of His Majeſties Army: His Majeſty hath been pleaſed Graciouſly to declare his Royal Aſſent therein, and your Excellency will herewith receive Order for the doing thereof.

I ſhall only add that the *Scots* Commiſſioners are engaged to the Parliament that immediately upon the Receipt of thoſe Arrears, their Army ſhall march away to *Scotland*, for which their General hath received a Command from the Parliament of *Scotland*: This Houſe being very confident of your Lordſhips

August, 1641.

care in the preſent buſineſs, do promiſe to themſelves a ſpeedy and a happy concluſion thereof, for which your Excellency may juſtly expect their Hearty thanks, and that it will be an acceptible Service to His Majeſty as may appear by His Majeſties Meſſage to this Houſe, a Coppy whereof you will receive herewith, which as by the Command of this Houſe is ſent by

11 *Aug.* 1641. *Your Excellency's humble Servant*, &c.

Thurſday August 12.

Serjeant *Whitfield* and Sir *Edward Leech* being ſent this day by the Lords to deſire a Conference by a Committee of both Houſes touching the Final Concluſion with the *Scots*, the Earl of *Briſtol* reported the Heads of the Conference which he was Ordered to deliver to the Houſe of Commons;

Heads of a Conference for a Final Concluſion with the *Scots*.

(1.) *To let the Houſe of Commons know, That the* 7th *of* September *next is thought to be a fit day for Publick Thankſgiving for both Kingdoms for the Concluſion of the Pacification.*

(2.) *To know from the Houſe of Commons, What dayes are to be allowed for the Marching away of the* Scots, *that the day of their paſſing over* Tweed *may be certain, they being to be paid until the* 25th *of* Auguſt.

(3.) *To let the Houſe of Commons know, That the Exemplifications of the Acts concerning the Treaty, and Pullique Faith, are both paſſed under the Great Seal, and delivered.*

(4.) *To deſire them to joyn with this Houſe, That the* Scots *may be moved for the delivering of the Arms and Cannons at* Newcaſtle *to his Majeſties Officers.*

(5.) *To let them know, That the* Scots *deſire that there may be a Warrant granted for the Tranſporting of* 30000 *l. in Money by Sea.*

(6.) *To know of them, what Courſe is to be taken for the perfecting the Treaty in* Scotland.

(7.) *To let them know, That the* Scots *deſire to paſs with their Army by* Berwick Bridge, *and in ſuch ſort as ſhall be for the Safety of that Town, as ſhall be agreed upon by their General, and the Governor of* Berwick.

(8.) *That the* Scots *deſire that an Order of the Houſe of Commons may be made for the repaying of the* 28000 *l to the Biſhoprick of* Durham *and the Town of* Newcaſtle, *that the* Scots *may deliver the ſaid Order for their Diſcharge.*

Theſe 8. Heads being propoſed to the Commons at a Conference the next day being *Auguſt* 13. they gave theſe Anſwers:

(1.) *To the Firſt, concerning the* 7th *of* September *to be the Day for Thankſgiving for both Kingdoms, they have agreed to it.*

(2.) *To the Second, For the* Scots *Army paſſing over the* Tweed *the* 25th *of* Auguſt, *agreed to.*

(4.) *To the Fourth, That the reſtoring of the Ordnance at* Newcaſtle, *and that the Arms and Munitions may be all reſtored or paid for, to be recommended to the* Scots *Commiſſioners, Agreed to.*

(6.) *To the Sixth, Concerning ſeeing the Treaty to be finiſhed in* Scotland, *They deſire that Commiſſioners may be ſent from both Houſes of Parliament to ſee the Treaty performed, and to ſettle the Peace of both Kingdoms.*

Auguſt, 1641.

(7.) *To the Seventh, Touching the* Scots *Army Marching through* Barwick, *agreed to be in ſuch ſort as ſhall be appointed and ſettled there with the General and Governor of* Barwick.

(8.) *To the Eighth, touching the Order for paying the* 280000 *l. to the Biſhoprick of* Durham *and the Town of* Newcaſtle, *the Houſe of Commons hath made an Order to that purpoſe, and they will deliver it to the Earl of* Warwick, *to be delivered to the* Scots *Commiſſioners.*

The Commons fell this day into debate about Mr. *Percy*, Sir *John Suckling*, and Mr. *Jermyn*, and it was urged, *That it would be made good by ſeveral Acts of Parliament, and other Preſidents, That to conſpire or indeavor to compel the Parliament to any thing, is Treaſon.* And after long canvaſing of the Matter it was

Votes that Sir *John Suckling*, Mr. *Jermyn* and Mr. *Percy* ſhall be charged with High-Treaſon.

Reſolved, &c. *That Sir* John Suckling *upon the whole matter ſhall be charged by this Houſe with High-Treaſon,*

Reſolved, &c. *That Mr.* Henry Percy *ſhall be charged with High-Treaſon.*

Reſolved, &c. *That Mr.* Henry Jermyn *ſhall be charged with High-Treaſon.*

Friday, Auguſt 13.

The Houſe of Commons being it ſeems now better Inſtructed ſince the laſt Conference with the Lord Privy Seal, fell upon the further Impeachment of the Biſhops, which was thus Reported by Serjeant *Wild.*

Further Impeachment of the Biſhops.

“WHereas the Knights, Citizens and Burgeſſes of the Commons Houſe of Parliament have lately impeached the ſeveral Biſhops hereafter named, that is to ſay, *Walter* Biſhop of *Winchester*, &c. before your Lordſhips in this Parliament of ſeveral Crimes and Miſdemeanors, in Contriving, Making, Promulging and Executing ſeveral Conſtitutions, and Canons Eccleſiaſtical, and by granting a Benevolence or Contribution to His Majeſty contrary to Law. Now the ſaid Commons do further declare to your Lordſhips, that the ſaid Canons, Conſtitutions, and Grant of a Benevolence, contained in two ſeveral Books, the one Intituled, the Conſtitutions and Canons Eccleſiaſtical, treated upon by the Archbiſhops of *Canterbury*, and *York* Preſidents of the Convocations, for the reſpective Provinces of *Canterbury* and *York*, and the reſt of the Biſhops and Clergy of thoſe Provinces, and agreed upon with the Kings Majeſties Licenſe in the ſeveral Synods begun at *London* and *York*, *Anno Dom.* 1640 and in the Year of the Reign of Our Soveraign Lord King *Charles*, by the Grace of God King of *England*, *Scotland*, *France* and *Ireland* the 16. the other Intituled, a Grant of the Benevolence or Contribution to his Moſt Excellent Majeſty, by the Clergy of the Province of *Canterbury*, in the Convocation, or Sacred Synod holden at *London*, *An. Dom.* 1640. Which Things I am commanded by the Houſe of Commons to deliver to your Lordſhips, and further to declare to your Lordſhips, That all and every the ſaid Canons and Conſtitutions and Grant of Benevolence, and the Contriving, Making, Publiſhing and Executing of the ſame and every of them, were and are contrary to the King's Prerogative, the Fundamental Laws and Statutes of the Realm, the Rights of Parliament, the Propriety and Liberty of the Subject, and tending to Sedition, and of dangerous Conſequence, and were ſo Contrived, Made, Promulged and Executed to the great Oppreſſion of the Clergy of the Realm, and others his Majeſties Subjects, “and in Contempt of his Majeſty, and of the Laws, and do pray as “they did before, that the ſaid Biſhops may be forthwith put to their “Anſwer in the Preſence of the Commons, and that ſuch further Pro-“ceedings may be had therein, as to Law and Juſtice appertains.

The *Scots* Commiſſioners having deſired a Commiſſion, to Commiſſioners of both Nations for Examination of Witneſſes about Incendiaries, and having given the Names of ſuch of their Nation, as they deſired might be in the Commiſſion:

Order for a Commiſſion to examine Witneſſes about Incendiaries.

It was Ordered by the Houſe of Lords, *That the Clerk of the Crown, ſhall Iſſue out a Commiſſion under the Great Seal of* England, *and the Lord Keeper is to Seal it accordingly, by Virtue of this Order, which Commiſſion is to be directed to the Lord Keeper, the Lord Privy Seal, the Earl of* Warwick, *the Lord Viſcount* Say *and* Seal, *Lord* Wharton, *and the Lord* Kimbolton, *To the Lord* Lowdon, *Sir* Patrick Hepbourn, *and* John Hepbourn *and* John Smith *Eſquires, to joyn with ſeveral Members of the Houſe of Commons, or any five of them to examine Witneſſes touching Incendiaries concerning both Kingdoms of* England *and* Scotland.

The Buſineſs of paying the Billet Money in the ſeveral Quarters where the *Scots* Army had lain, came into debate, and it was

Houſe of Commons undertakes to pay the *Scots* Billet.

Reſolved, &c. *That the Houſe of Commons undertakes to diſcharge our Brethren the* Scots *of theſe Summs, and to pay the ſaid Counties,* viz.

	l.	*s.*	*d.*
To the County Palatine of *am*	26663	13	10
To the Town of *New-Caſtle*	2000	00	00
To the County of *Northumberland*	10224	06	10
Total	38888	00	08

Money paid for the Q. Mothers Journey.

Mr. *Pym* Reports,

That he had paid Seven Thouſand Pounds to the Earl Marſhal, for diſpatch of the Queen-Mother out of England.

Capt. *Chudleigh*'s depoſition againſt Mr. *Jermyn*, Mr. *Perce*, &c.

Captain *Chudleigh* being Examined concerning the matter of the Army, ſaith, *That Sir* John Suckling *told him, That he ſhould not depend upon what Commiſſary* Wilmot, *Col.* Aſhburnham, *or Captain* Pollard *ſaid; for they had quitted their Affection to the Army, and fallen into a Parliamentary way: This in the Month of* March *before Col.* Goring *went to* Portſmouth.

He ſaith further, *That he could not conjecture by any Diſcourſe that Ever he had with Mr.* D'avenant, *that he knew any thing of any Deſign of bringing up the Army, only by the Diſcourſe he had with him, he could diſcover an affection to the Army, and that he charged him alwayes to keep all our Diſcourſes between us ſecret, becauſe the Times were dangerous. All this diſcourſe he had with Mr.* D'avenant, *was before Col.* Goring *went to* Portſmouth.

Whenſoever Sir John Suckling *ſpake with him concerning any particular Intimations to the Army, though Mr.* D'avenant *was then preſent, he whiſpered; yet he ſpake ſome Generals openly, That the* French *would aſſiſt; That the Clergy would maintain* 1000 *Horſe; That part of the Commons Houſe was much diſtaſted with the Letter that came from the Army.*

Army. The only Propoſition was to know their Inclinations for their accepting Col. Goring *for their Lieutenant General.*

Mr. Wilmot, *Mr.* Aſhburnham, *and Mr.* Pollard *told him, That the Houſe of Commons had real Intentions towards the Army, and that they ſhould have Martial Law, if it would ſtand with the Conveniency of the Common-wealth; and this they ſpake with much Earneſtneſs. Sergeant Major* Willis *told him upon the Way, That the Clergy would furniſh a Thouſand Horſe.*

Saturday, Auguſt 14.

A Letter was Ordered to be ſent to the Lord General, about the Affairs of the Army, which was as followeth.

Letter to L. General from the Lords about the *Scots* marching by *Barwick.*

May it Pleaſe your Excellency,

T*He Treaty of Pacification between the Two Kingdoms of* England *and* Scotland, *being come to a Happy and Peaceable Concluſion, and a Day prefixed for the* Scottiſh *Army to March over the* Tweed; *for the more Expedition thereof, the* Scottiſh *Commiſſioners have made their Requeſt to the Parliament, that they might be permitted to paſs with their Army, Munition and Artillery over* Barwick *Bridge. To which deſire both Houſes of Parliament have conſented, to be in ſuch ſort, as ſhall be agreed and ſettled there by the General and Governor of* Barwick.

Wherefore the Lords have commanded me, to recommend the Manner and Way thereof to your Excellency's Care and Judgment, not doubting but your Excellency will give ſuch Directions to the Governor of Barwick, *both for the number of Soldiers that ſhall March in a Company together, as alſo how to preſerve his Majeſties Ordinance and Munitions there, and ſecure the ſafety of the ſaid Town.*

And ſo I humbly remain

Your Excellency's Servant
to Command *John Banks*
Speaker of the Lords Houſe.

Capuchin Friers at *Denmark* Houſe to keep in.

A Complaint having Yeſterday been made by the Houſe of Commons, that the *Capuchin* Friers in *Denmark* Houſe, were very active in Perverting the Kings Subjects from the True Religion, the Earl of *Dorſet* was Ordered to attend the Queen, and move her Majeſty from this Houſe in it, and humbly to deſire her Majeſty, *That the ſaid Friers may be kept in, and not ſuffered to go abroad to pervert the People, and draw them to be reconciled to the Church of* Rome. And further, *That the Earl of* Dorſet *do ſend for the Chief of the* Capauhins, *and give him warning that he obey this Command.*

Order about L. Major, and Citizens for a Reference.

Upon reading the Petitions of the Lord Major of *London*, and the ſix Perſons choſen by the Commonalty of the ſaid City, It is Ordered, *That both ſides ſhall give Copies to each other of their Petitions, and attend the Lords Committee's, appointed to compoſe the Differences between them on* Munday *next, in the Afternoon at Two of the Clock in the Painted Chamber.*

Meſſage that a convenient number of Lords may ſtay in Town.

A Meſſage was brought from the Houſe of Commons by Mr. *Hotham*, to deſire *That a convenient number of Lords may be kept together in this Houſe, until the Armies be diſbanded, and the neceſſary Defence of the Kingdom ſettled.*

The Anſwer hereunto was, *That their Lordſhips will take Care as is deſired.*

Whereas

The Order of the Houſe of Lords about Mines Royal in *Wales Aug.* 14. 1641.

WHereas this Houſe hath been Informed, That *Thomas Buſhell* Eſq; Undertaker of His Majeſties Mines Royal in the County of *Cardigan*, by his great Charge and Induſtry in cutting Additts, hath gained His Majeſties old drowned and forſaken Works of *Talabant*, and other Works, and made new Diſcoveries of Royal Mines there, which are already very Conſiderable. And whereas divers Perſons of Quality encouraged by His Majeſties Letters to them directed, do intend to adventure great Summs of Money in the ſaid Work, which in time, if well incouraged, may prove of great conſequence, both for Honor and Profit to His Majeſty and this Kingdom. And whereas alſo it appeareth unto this Houſe by divers Affidavits and Certificates of Credit, that ſome Perſons ill affected to theſe Honourable and Publick Services, (who in time may receive deſerved Puniſhment) have diſturbed the poſſeſſion of the ſaid *Thomas Buſhell* in ſome of His Majeſties Mines Royal and Edifices appertaining to the Royal Work, and have plucked up divers Pumps, caſt in the Rubbiſh, and drowned, and ſo much as in them did lie, deſtroyed the ſaid Works, ſo as it hath been a labour of 4 Years Night and Day to recover the ſame; and that the ſaid *Thomas Buſhell* hath been diſturbed in the getting of Turf and Peate for the Service of His Majeſties Works, being an invention of his own very commendable and commodious for the preſerving of Wood, which hath been heretofore by the former Undertakers much waſted in thoſe Parts. Now for the Remedy of ſuch miſchiefs, and that the ſaid *Thomas Buſhell* and his Aſſigns, and ſuch Perſons as are or ſhall be Undertakers and Adventurers with him in the ſaid Service, may receive a due encouragement and aſſiſtance in theſe chargeable Undertakings.

It is Ordered by the Lords in the upper Houſe of Parliament now Aſſembled, That the Speaker of this Houſe in the Name and by the Authority of the ſame, ſhall direct his Letters unto the Judges of Aſſizes and Juſtices of the Peace of the ſaid County of *Cardigan*, requiring them, that they do in all Lawful things endeavour to advance and encourage the ſaid Service in His Majeſties Royal Mines, and aſſiſt the ſaid *Thomas Buſhell*, and other Undertakers in all things ſo far as Lawfully they may for the continuance of his Lawful Poſſeſſion, and the quiet and peaceable Working of the ſaid Mines, until he ſhall be ejected by due Courſe of Law, as alſo for getting and working of Turf or Peate according to his Legal Right, upon His Majeſties Waſts and other places Lawful, and all other Lawful accommodations of neceſſary paſſages, and other Legal things which may any ways advance His Majeſties Service in the ſaid Royal Mines.

Commiſſioners to attend the King in Scotland.

It was this day Ordered by the Commons, *That two Members only of this Houſe ſhall go Commiſſioners into* Scotland *with the Earl of* Bedford, *and Mr.* Hambden *and Sir* Philip Stapleton *to be the Perſons*. A Committee was alſo appointed to draw Inſtructions for them.

Petition againſt the Miniſter of St. *Ann's Alderſgate*.

A Petition was read againſt the Miniſter of St. *Anns* Church near *Alderſgate*, for ſpeaking Words againſt the Parliament, (for ſo they called the Houſe of Commons) ſaying, *It would not laſt alwayes, but they would hereafter be queſtioned for ſome things they have done.*

Vote in favour of Mr. *Small* a Miniſter in *Lincoln Shire*.

The Houſe then took into Conſideration the Caſe of one *Small* a Miniſter in *Lincolnſhire*, ſometime ago deprived of his Living by the Sentence of the High-Commiſſion Court; upon which it was

Reſolved, &c. *That the deprivation of* Edmond Small *from his Living of* Holm *in Com.* Lincoln, *by Sentence of the High Commiſſion Court was Illegal, and he ſhall be reſtored to his Living.*

Conference about the *Tower*, &c.

There was a Conference with the Lords about putting the Kingdom into a Poſture of Defence, as alſo about the *Tower* of *London*, the Lieutenant Sir *William Belfour* being gone with the King into *Scotland* about ſome private Affairs of his own, ſo that it was neceſſary that the Earl of *Newport* the Lord Conſtable of the *Tower*, ſhould take Care of it himſelf. It was alſo there moved, *That Care might be taken of the Iſles of* Jerſey, Wight, *and* Guernſey. Which was agreed by the Lords, and 50 men of the Hamlets to guard by Day, and 50 by Night, and 40 or 50 more to be added upon Emergent Occaſion.

Auguſt, 1641.

Monday, Auguſt 16. **Bill for Tonnage and Poundage for two Months, paſſed by Commiſſion.**

The Bill for Tonnage and Poundage for two Months longer was this day paſſed by Commiſſion in the uſual form and manner.

*** Incendiaries to be proſecuted, and who thoſe were.**

* After this the Interrogatories were delivered in to the Lords and read; upon which the *Scots* Commiſſioners deſire Witneſſes may be Examined, concerning the Earl of *Traquayr*, Sir *John Hayes* Clerk Regiſter in *Scotland*, Sir *Robert Spotswood*, and Dr. *Walter Balcanquell*, and Mr. *John Maxwell*, ſometime Biſhop of *Roſs*, who are purſued as Incendiaries.

The Interrogatories being approved of, It was Ordered, *That the Lord Privy Seal, E.* Warwick, *E.* Dover, *Viſcount* Say *and* Seal, *L.*Wharton, *are appointed by this Houſe to be Committees for the taking of the Examination of Witneſſes in this Buſineſs; and their Lordſhips or any Three or more to meet when they pleaſe to appoint.*

Then the Lord Privy Seal, E. *Pembroke*, and L. *Goring*, were ſworn at the Clerks Table, the Lord Keeper reading the Oath, and are to be Examined concerning the *Incendiaries.*

Ordered alſo, That John *E. of* Sterling, Robert Young *Printer*, William Warnor *Corrector, and* Robert Chapman *Compoſer, ſhall attend the Lords Committees this Afternoon, and be Sworn and Examined in the buſineſs concerning the Incendiaries.*

This was in order to the diſcovery of the Writer of the King's large Declaration, which was generally ſuppoſed to be Dr. *Bellcanquel* Dean of *Durham*, which had ſo much *Mordacis Veritatis*, of ſharp and cutting Truth in it, that the *Scots* thought there was no other Way to undo the Reputation of the Book, but by ruining the Reputation of the Author, and no way ſo Effectual for that, as the Brand of an Incendiary, burnt upon the forehead of his fame by this Publique Procedure, which yet could not but even then be liable to ſuſpition, his Enemies being his Accuſers, and the Majority of theſe Lords Committees who were to report, and in Effect therefore to be his Judges, being apparently of the *Scottiſh* Party and Intereſt.

Meſſage about the Deſperate Eſtate of the Kingdom, and *Hull*.

A Meſſage was brought from the Commons by Mr. *Strode*, to let their Lordſhips know, *That they have taken into Conſideration the deſperate Eſtate the Kingdom now ſtands in, in the time of Disbanding the Army, and they have Conſidered of the Danger the King's Ammunition at* Hull *is in, if there ſhould be any deſign upon it; Therefore they deſire their Lordſhips would joyn with them in ſome Courſe that the Ammunition there be not ſtirred nor removed from thence, without the Order of both Houſes of Parliament.*

Hereupon it was Ordered, *That a Letter be ſent to the Lord General to give Order, That no Munition or Artillery of the Kings at* Hull *be removed or ſent from thence but by Order from both Houſes.*

Difficulty about the Commiſſion for the Commiſſioners to go into *Scotland*.

Mr. *Pym* reports from the Committee about the Commiſſion for the Commiſſioners of both Houſes who are to attend the King in *Scotland*: *That the firſt thing they took into Conſideration was the Commiſſion to give Power to theſe Commiſſioners, and the doubt is, Whether ſuch a Commiſſion may be granted or no, the King being now out of the Kingdom, ſo that the Royal Aſſent cannot now be had, and it would be of much danger if ſuch* *a Power may not be had, and therefore they deſire the Opinion of the Houſe in this Point.* Upon which a Conference was deſired with the Lords upon this Subject. After which Mr. *Pym* Reported it to the Houſe,

The Opinion of the Lords at a Conference about it.

That the Lords were doubtful, and therefore propounded to have a Meſſenger ſent to procure his Majeſties Warrant, and the Commiſſioners to ſtay here till the Meſſenger returned; and that in the mean time they would conſider of their Inſtructions.

This day the Earl of *Dorſet* ſignified to the Lords Houſe, *That he hath Waited on the Queen, and hath acquainted her Majeſty with the Humble Deſires of this Houſe, touching reſtraining of the Capuchin Friers in* Sommerſet-*Houſe from tampering and withdrawing the Kings People.*

The Queens Anſwer about the Capuchin Friers at *Denmark*-Houſe, *Aug.* 17. 1641.

Her Majeſtie ſayes, It is much againſt her Will that they have gone abroad, or have endeavoured to pervert any from their Religion; and her Majeſtie is alſo very unwilling that any Engliſh *People ſhould reſort there to Chappel, but her Majeſty will give Order to prevent theſe for the future.*

And the Earl of *Dorſet* ſaid, *He would obey their Lordſhips Command and ſend for the Chief of the* Capuchins, *and give him a ſtrait Command not to ſuffer any of the Friers to go abroad, nor any* Engliſh *People to come to them, or to hear Maſs there.*

Votes in the Houſe of Lords about the Impeachment of the 13 Biſhops.

The Impeachment brought up from the Houſe of Commons againſt the 13 Biſhops was read, and the Houſe fell into Debate what time they ſhould have to Anſwer, and whether in this Debate they ſhould be preſent in the Houſe? And it was

Reſolved upon the Queſtion, That the Lords the Biſhops that are Impeached may Sit in this Houſe without Voting, when it is in Debate whether they ſhall have further time to Anſwer or not.

Reſolved, &c. *That ſuch of the Biſhops as are Impeached ſhall not Sit here in this Houſe when the Merits of the Cauſe is in Debate.*

Reſolved, &c. *That when the diſpoſing of the manner of the Proceedings of the Cauſe is in Debate, the Biſhops may Sit in this Houſe, but not Vote.*

The Letter to the Lord General concerning *Hull.*

The Letter drawn by the Committees of both Houſes to the Lord General concerning *Hull*, was read as follows,

May it pleaſe your Excellency,

I Am commanded by the Houſe of Peers to give your Lordſhip many thanks not only for your great care daily expreſt of the Army, but for your no leſs vigilancy over the preſent diſtracted Eſtate of this Kingdom, particularly for the account given by your Excellency to my Lord *Chamberlain* of the doubts conceived by your Lordſhip concerning it, and we hope that if the cauſes of thoſe doubts ſhall increaſe, that your Excellency will likewiſe increaſe both your Vigilancy to diſcover, and your Induſtry to inform us of all ſuch proceedings, as may concern us to be made acquainted with for the Publick Good.

I am likewiſe to acquaint your Excellency, That to prevent all inconveniencies and dangers that may happen, of which we find your Lordſhip to have already ſo quick and juſt a Sence, both Houſes have joyned to ſecure *Hull*, as a place of great Importance, eſpecially by reaſon of the Magazine, and upon which ill affected Perſons may moſt readily have ſome deſign: and in purſuance of that Reſolution your Lordſhip will receive Orders from the Houſe of Commons, and I am to deliver your Lordſhip thoſe of the Houſe of Peers, That your Lordſhip command the Major of *Hull* in the name of both Houſes to uſe all poſſible care to ſecure the Town committed to his charge, and not to ſuffer the Arms and Amunition in that Magazine to be diſpoſed of without the Orders of both Houſes.

I ſhall trouble your Lordſhip no further, but only to deſire your Excellency to continue your ſpeed of Disbanding of the Army in the method already Ordered, which till it be effected, as we are confident it will be ſo ſoon as your Lordſhip can bring it to paſs, I am commanded to make a part of every Letter which I ſhall direct to your Excellency.

Your Excellencies Humble Servant,

Edward Littleton.

The time for the 13 Biſhops to put in their Anſwer.

The Lords fell upon the Debate at what time the Biſhops ſhould put in their Anſwer, and it was Ordered, *That the Lords the Biſhops that are Impeached by the Houſe of Commons, are to make their Anſwers thereunto on* Thurſday *come Month, being the* 16th *day of* September *next.*

3000 l. Ordered for the Garriſon of *Portſmouth.*

It was this day Ordered by the Commons, *That Three Thouſand Pound, ſhall be paid by the Sheriff of* Hampſhire *out of the Poll-Money, to Colonel* Goring *for the Garriſon of* Portſmouth.

Monoply of Soap voted Illegal.

The Committee then reported the Caſe about the Pattent for Soap, upon which it was

Reſolved, &c. *That the Patent, Indenture, Decree and Proceſs, in the Star-Chamber about Soap-Boilers is Illegal.*

Wedneſday, Auguſt 18. Report about putting the Kingdom into a Poſture of Defence.

The Commons having deſired a Conference with the Lords, about putting the Kingdom into a Poſture of Defence, Mr. *Hollis* Reports that Conference.

The Lord Chamberlain told us, his Majeſty before his going, had declared, That he would appoint a General for the South Side of Trent, *and that his Majeſty was pleaſed to nominate him; and that ſince his Majeſties going, a Commiſſion had been delivered unto him under the Great Seal. He apprehended this too great a Burden, and knew not what Exception had been taken, to the Proceedings of the Lord Lieutenants and Deputy Lieutenants; That by this Commiſſion in caſe of Tumults and Commotions, he is to raiſe Forces and Men for the ſecuring the Perſon of the Queen, the Prince, and the reſt of the Royal Family.*

He offered theſe Difficulties, That when theſe Forces were raiſed, he knew not how to levy Money for the Payment of them, and beſides he is to take a Care if there were an Invaſion from Abroad, for which he was ill prepared, having no Intelligence or Correſpondency from Ambaſſadors Abroad, or from the Fleet, and ſo concluded with a deſire of Advice from this Houſe.

Orders concerning the Biſhops to prepare for their Anſwer.

In order to their Preparation, for giving in their Anſwer, It was this day Ordered by the Houſe of Lords, *That the Biſhop of* Rocheſter, *with one other of the Biſhops, may have free Acceſs, twice unto the Lord Archbiſhop of* Canterbury, *to ſpeak with him concerning their Anſwer to the Impeachment brought up againſt them from the Houſe of Commons, for making a Book of Canons,* &c. *and they are to ſpeak with the ſaid Archbiſhop of* Canterbury, *about no other Buſineſs.* It was alſo Ordered, *That the Lords, the Biſhops may Acceſs unto, and have Copies of all ſuch Acts and Records, as are in any of his Majeſties Courts of Juſtice and Publick Offices, which may make for their Defence or Anſwers to the Impeachments, brought againſt them from the Houſe of Commons.*

Auguſt, 1641.

Order to ſearch under the Parliament Houſes.

Upon what Ground, Information or Suſpicion it does not appear, but it was this day Ordered, *That Mr. Juſtice* Heyward, *ſhall have Power by virtue of this Order, to ſearch before the next Meeting of Parliament, at* Roleby's *Houſe, the Tavern, and ſuch other Houſes and Vaults or Cellars as are under the Upper Houſe of Parliament, that there be no Powder, Arms, or any other Ammunition, as may endanger the Safety of the Houſes of Parliament, and hereof Account is to be given to this Houſe.*

The Lord Viſcount *Say* and *Seal,* reported the Conferences Yeſterday with the Houſe of Commons touching diſarming Popiſh Recuſants.

The Reſult of the Conference about Diſarming Recuſants *Aug.* 18 1641.

THat becauſe divers former directions have been fruſtrated, the Houſe of Commons holds it neceſſary to add ſome extraordinary courſes at this time for the diſarming of Papiſts, there being more then extraordinary cauſe of danger, for effecting whereof, It is propounded and deſired, That Commiſſioners or Committees may be forthwith ſent into the Counties of moſt danger, as *Yorkſhire, Lancaſhire, Cheſhire, Staffordſhire, Hampſhire* and *Suſſex,* Authorized by Ordinances of Parliament, to ſee the Papiſts diſarmed in thoſe places.

That theſe Committees may examin where the defect hath been, that former Orders have not been obſerved; eſpecially in Caſe of ſuch Papiſts as are in Power, and that they may have direction to give the Oath of Allegiance to ſuch as are juſtly ſuſpected of Popery.

That the Commons have informed, that divers Recuſants have been kept from Conviction by Priviledg of Parliament, allowed in the Upper Houſe, whereupon it was delivered as the clear Opinion of the Houſe of Commons, That no Priviledg of Parliament is to be allowed in this Caſe of Conviction or Diſarming of Recuſants, for which theſe Reaſons are given.

(1) That no Priviledg is allowable in Caſe of the Peace betwixt Private Men, much more in Caſe of the Peace of the Kingdom.

(2) That Priviledg cannot be Pleaded againſt an Indictment for any thing done out of Parliament, becauſe all Indictments are *contra pacem Domini Regis.*

(3) Priviledg of Parliament is granted in regard of the Service of the Common-wealth, and is not to be uſed to the danger of the Common-wealth.

(4) That all Priviledg of Parliament, is in the power of Parliament, and is a reſtraint to the proceedings of other inferior Courts, but is no reſtraint to the proceedings of Parliament, and therefore ſeeing it may without in juſtice be denied, this being the Caſe of the Common-wealth, they conceive it ought not to be granted.

Whereupon it is deſired that their Lordſhips will declare that all Priviledges ſhall be void in caſe of the Conviction or Diſarming of Recuſants, and that all their *Certioraris* out of the *King's Bench* to hinder the Conviction of Recuſants may be Superſeeded.

That this direction may extend to Lords as well as to other Common Perſons, there being more cauſe of fear from them in regard of their Power and Greatneſs then from others.

That if any Popiſh Recuſant of Quality ſhall be found not to be Convicted, that ſuch Peſons be commanded forthwith to attend the Parliament.

The Opinion of the Houſe of Commons is, That Popiſh Recuſants as this Caſe is, may be Diſarmed by the Common-Law, being Perſons juſtly to be ſuſpected for ſome dangerous deſign, and that where there is cauſe of fear this may be extended to ſuch Perſons as have Wives Recuſants, or Children, or any but conſiderable number of Servants, as may give good Cauſe of Suſpitions.

That in ordinary Caſes, if there be a Combination to do any miſchief, to commit a Riot, Rob a Houſe, or hurt any private Perſon; the Juſtices of the Peace may take ſecurity to prevent ſuch damages much more in the Caſe where the danger of the Common-wealth is to be prevented.

Divers Preſidents were remembered for the Diſarming of Lords of Parliament, the Marqueſs of *Wincheſter*, Lord *Peter*, Lord *Vaux*, Lord *Arundel* of *Wardour* and divers others.

Then after ſome Conſideration of this Conference, It is Ordered, That this Houſe doth joyn with the Houſe of Commons to ſend Commiſſioners to Diſarm Recuſants, according to Law, for the other part of it their Lordſhips will take it into conſideration.

The Lords Anſwer about the Commiſſioners for *Scotland*.

Sir *William Armyn* brings this Anſwer, to the Meſſage to the Lords, concerning the Commiſſioners deſigned for *Scotland*, *That the Lords are of Opinion, that the Commiſſion and Inſtructions be preſently prepared together with a Petition to his Majeſty, and that this be ſent away with all Speed; and in the mean time, the Commiſſioners may be going their Journey, and thoſe Inſtructions and Commiſſion, may meet them on the Way, if this Houſe thinks fit.*

Mr. *Pym* reports the Petition and Inſtructions to the Commiſſioners for *Scotland*.

To the King's Moſt Excellent Majeſty.

The Humble Petition of your Majeſties Loyal Subjects, the Lords and Commons, now Aſſembled in Parliament.

Moſt Gracious Sovereign,

The Petition to the King concerning the Commiſſioners for *Scotland*.

'Your Majeſties Abſence at this time, the Parliament ſitting, doth not only afflict us with much Grief, but hinders us in making ſuch Proviſion for the Public Neceſſities and Dangers of the Kingdom, as we deſired to do, for the Safety whereof, We ſhall be often forced to reſort to your Majeſties Wiſdom and Goodneſs. Whereupon both Houſes of Parliament have agreed to ſend *William* Earl of *Bedford*, *Edward* Lord *Howard*, *Nathaniel Fiennes* Eſquire, Sir *William Armyn* Baronet, Sir *Philip Stapleton* Knight, and *John Hambden* Eſquire, to attend your Majeſty, to convey to us your Majeſties Commands and Directions, and to preſent to your Majeſty our Humble Petitions and Deſires, and likewiſe to ſee the Expediting of ſuch Acts in the Parliament of *Scotland*, and other Affairs, as by the late Treaty or otherwiſe concern the Kingdom.

'Wherefore our moſt Humble Suit to your Majeſty is, That you will be graciouſly pleaſed to admit the ſaid *William* Earl of *Bedford*, *Edward* Lord *Howard*, *Nathaniel Fiennes*, Sir *William Armyn*, Sir *Philip Stapleton* and *John Hambden* Eſquire to be your Majeſties Commiſſioners, for the diſpatch of the Affairs aforementioned, according to ſuch Inſtructions, as they have now received, or ſhall from time to time receive from both Houſes of Parliament, with your Majeſties Conſent and Approbation.

The Inſtructions for the ſaid Commiſſioners follow.

I.

The Inſtructions for the Commiſſioners.

YOU ſhall take care that all thoſe Acts that concern both Kingdoms of England *and* Scotland, *and are already agreed upon in the Treaty between the Commiſſioners of both Nations, and which are Confirmed by an Act of Parliament paſſed in this preſent Seſſion, ſhall likewiſe be con-*

Auguſt, 1641.

firmed and ratified in the Parliament in Scotland, *and You ſhall take an authentique Exemplification thereof to bring home with you.*

II.

You are to take Care that the Commiſſions agreed upon in the ſame Treaty concerning the Trade of both Kingdoms, and concerning the Publique Peace and Correſpondency betwixt the Two Nations, may be ſettled and diſpatched accordingly.

III.

You are to demand Satisfaction of ſuch Debts as ſhall remain due to the Northern *Counties of* England, *for any Money or Proviſion taken up by the* Scottiſh *Army.*

IV.

You ſhall be Careful to clear the Proceedings of the Parliament of England *towards the* Scots, *if you find any falſe Reports or Imputations caſt on thoſe Proceedings by perſons ill-affected to the Peace of both Kingdoms.*

V.

You ſhall upon all fit Occaſions aſſure the Parliament of Scotland *of the good Affections of his Majeſties Subjects of the Parliament of* England, *and all things which ſhall concern the Service of his Majeſty and the Peace and Proſperity of both Nations.*

VI.

You ſhall be Careful to certify the Lords and Commons in this preſent Parliament from time to time of all Proceedings therein, and of all Occurrences which ſhall concern the good of this Kingdom.

VII.

You ſhall put in Execution ſuch further Inſtructions as you ſhall receive from the Lords and Commons in this preſent Parliament, with his Majeſties Approbation and Conſent ſignified under his Royal Hand.

Mr. *Nichols* to go with the Petition, *&c.* 1000*l.* advanced for the Charges of the Commiſſioners.

It was Ordered, *That Mr.* Anthony Nichols *a Member of this Houſe, ſhall go to his Majeſty from this Houſe with the Petition and Inſtructions.*

It was likewiſe Ordered, *That a Thouſand pounds ſhall be advanced by Sir* Robert Pye, *Mr.* Wheeler, *and the Treaſurers of Money for* Weſtminſter *for the Commiſſioners Charges, and their Acquittance, or any two of them, to be a Diſcharge.*

Sir *Ph. Stapleton* and Mr. *Hollis* to attend the Q. before they go for *Scotland.*

Sir *Philip Stapleton* and Mr. *Hollis* were alſo Ordered to attend Her Majeſty, to know *what Commands her Majeſty will lay upon the Members of this Houſe that are to go to His Majeſty in* Scotland.

The Lord General, as indeed any perſon moderately skilled in Martial Affairs would have done, made ſome difficulty, it ſeems, of letting ſo powerful an Army, though of our Dear Brethren of *Scotland*, March through ſo Important a Paſs as the Town of *Barwick*, and upon this wrote to the Parliament concerning it; Whereupon the Lord Keeper *Littleton* returned this Anſwer:

Letter to the Lord General for the *Scots* to March over *Barwick* Bridge.

My Lord,

I Have received your Letter dated the 16th of this preſent Month, concerning the Paſſage of the Scots *over* Barwick *Bridge, and have acquainted the Lords with the ſame; they have Commanded me to ſignifie unto your Lordſhip, That ſince it is a Reſolution taken by both Houſes, and conſented to by them, they ſee no Cauſe to alter it, or to give an Occaſion to the* Scots *to hinder their March as is agreed and concluded on by the Treaty here, and therefore they adhere to their firſt Order to your Lordſhip for their Paſſage over* Barwick *Bridge, and do require your Lordſhip to obey the Order of the Houſes; only for the Manner and Order, they recommend it to your Lordſhips Care and Directions, that it may be ſpeedy and with Safety. God have your Lordſhip in his Keeping.*

Your, &c.

Monday, Aug. 19.

His Majeſty was now Safely Arrived in *Scotland*, purpoſing with all Application imaginable to Settle and Quiet the Minds of his Subjects of that Kingdom, in hopes that it might conduce very much to the Compoſure of the Affairs of *England*; and for this purpoſe at his firſt appearance in the Parliament of *Scotland*, being *Thurſday*, *Auguſt 19th*, he made this following Speech.

His Majeſties Speech to the Parliament of *Scotland*, *Aug.* 19. 1641.

My Lords and Gentlemen,

THere hath nothing been ſo diſpleaſing to Me as thoſe Unlucky Differences which have happened between Me and My People; and nothing that I have more deſired, than to ſee this Day, wherein I hope not only to ſettle theſe Unhappy Miſtakings, but rightly to know and to be known of My Native Countrey.

I need not tell you (for I think it is well known to moſt) what Difficulties I have paſſed through and overcome to be here at this preſent: Yet this I will ſay, If Love to My Native Countrey had not been a chief Motive to this Journey, other reſpects might eaſily have found a ſhift to do that by a Commiſſion, which I am come to perform My Self. And this conſidered, I cannot doubt of ſuch real Teſtimonies of your Affections for the maintenance of that Royal Power which I enjoy after an Hundred and eight Deſcents, and which you have profeſſed to maintain, and to which your own National Oath doth oblige you, that I ſhall not think any Pains ill beſtowed.

Now the End of My Coming is ſhortly this, to perfect whatſoever I have promiſed, and withal to quiet the Diſtractions which have and may fall out amongſt you: And this I mind not ſuperficially, but fully and chearfully to perform. For I aſſure you, That I can do nothing with more chearfulneſs, then to give My People a general Satisfaction. Wherefore not offering to Endear My Self unto you in Words, (which indeed is not My way) I deſire in the firſt place to Settle that which concerns the Religion and Juſt Liberties of this My Native Countrey, before I proceed to any other Act.

Information of Arms in the Marqueſs of *Winton*'s Houſe at *Baſing-Stoke*.

In the Houſe of Commons, one Mr. *Sewer* did this day give Information, that he did ſee on *Monday* was ſeven-Night, a great many Arms in

Auguſt, 1641.

in the Marquiſs of *Wincheſter*'s Houſe at *Baſingſtoke* a Recuſant, and that the Keepers of them told him, there were Arms for a thouſand five hundred Men.

One *Welſh* an *Iriſh* Prieſt was ordered to be ſent for, and if he refuſed to come, to be taken into Cuſtody by the Serjeant.

Order about disbanding.

It was alſo Ordered, *That Mr.* Arthur Goodwin, *Mr.* Hotham *and Sir* Henry Anderſon, *ſhall go into the* North *about disbanding the Army, to whom Mr.* Scowen *was afterwards added by a Vote of the Houſe.*

The Copy of the Commiſſion to be ſent for his Majeſty to Sign, for the Commiſſioners to impower them to go into, and Act in *Scotland* was alſo read, which was as follows.

Commiſſion for the Commiſſioners that are to go to *Scotland.*

CHARLES by the Grace of God, of England, Scotland, France **and** Ireland **King, Defender of the Faith,** &c. **To Our Truſty and right well Beloved** William **Earl of** Bedford, **and to Our truſty and right well Beloved** Edward **Lord** Howard, **and alſo to Our truſty and well Beloved** Nathaniel Fiennes **Eſquire, Sir** William Armyn **Baronet, Sir** Philip Stapleton **Knight and** John Hambden **Eſquire Greeting. Know Ye, that We repoſing ſpecial Truſt and Confidence in your approved Fidelity, Wiſdom and Diſcretions, have Nominated and Appointed you to be Our Commiſſioners, and by theſe ſaid Preſents, give unto you, or any three or more of you, full Power and Authority to go into Our Kingdom of** Scotland, **and there to Treat Confer and Conclude with ſuch of Our Commiſſioners, as ſhall be Named and Authorized in Our Parliament of** Scotland, **according to the Inſtructions hereunto Annexed; And you or any three or more of you, are likewiſe to Obſerve and Purſue all ſuch further Inſtructions, as you, or any three or more of you as aforeſaid, ſhall from time to time receive from the Lords and Commons Aſſembled in Our Parliament of** England **with Our Conſent and Approbation, Signified under Our Royal Hand. In Witneſs,** &c.

Votes about Mr. *Cooper* ſuſpended by Dr. *Rone* and Sir *John Lamb.*

The Houſe took into Conſideration the Caſe of Mr. *Cooper* Rector of *Alton* in *Com. Huntington*, and it was

Reſolved, *&c. That the Suſpenſion of Mr.* Cooper, *Rector of* Alton *in* Com. Huntington, *for not reading the Book of Recreations, is illegal.*

Reſolved, *&c. That Doctor* Rone *and Sir* John Lamb *ought to give him Reparation for his Damages ſuſtained, and that his Suſpenſion be taken off.*

Poſt Meridiem Mr. *Pym* Reports the Order agreed upon by both Houſes, for the Disbanding in *hæc verba.*

Order of both Houſes for disbanding the Army.

WHereas it was Ordered by the Lords and Commons in Parliament Auguſt 7. 1641. *That the Horſe Troops of the King's Army be forthwith Disbanded, whereunto his Majeſty gave his Conſent, and ſignified his gracious Pleaſure to have it effected accordingly, all which was certified to the Earl of* Holland *General of his Majeſties Army, by two ſeveral Letters from the Speakers of both Houſes reſpectively, and withal a Copy of the ſame ſent unto him. We underſtand by a Letter from the Lord General, that none of the Horſe are yet disbanded, nor intended to be disbanded until the* 24th *of this Month, and that it is propounded, that ſome* *of the Foot ſhall then be disbanded, before the reſt of the Horſe, now both the Houſes of Parliament, expecting that this Order ſhould have been performed accordingly, do hereby expreſly Order, that the Lord General, all further Delays and Excuſes ſet apart, ſhall forthwith disband all the Horſe Troops of the Army before any of the Foot, and commanded them, and all the Officers of the ſaid Horſe Troops to depart from the Army, which they do hereby declare to be a Matter of great Importance, to the good of the Common-Wealth, and therefore they do expect a quick and ready Obedience thereunto, as well by the Lord General, as by all other Commanders, Officers and Soldiers of the Army, whereof they expect a ſtrict and ſpeedy Account. After which Mr.* Pym *and Sir* John Culpeper *were Ordered to draw a Letter to be ſent to the Lord General, and Mr.* Ruſhworth *Clerk, Aſſiſtant of the Houſe of Commons to ride Poſt with it, and the Houſe will take it into Conſideration, to requite him for his Pains and Charges.*

Friday, Auguſt **20. Diverſe Perſons Bailed. The firſt Ordinance of the Lords and and Commons about Commiſſioners to go to *Scotland*.**

This Day Sir *William Bringhurſt*, Mr. *Wilſon*, Mr. *Broadgate*, Mr. *Slany*, Mr. *Gardner* and Mr. *Inego Jones* were Ordered to be Bailed, and 10000 *l.* for the Principals, and 5000 *l.* for each of the Sureties.

The Ordinance of the Lords and Commons, for the Commiſſioners for *Scotland*, was read in the Commons Houſe in theſe Words.

‘THE Lords and Commons in this preſent Parliament Aſſembled, do hereby Order and Appoint, *William* Earl of *Bedford*, *Edward* Lord *Howard*, two of the Peers of the Lords Houſe, *Nathanel Fiennes* Eſquire, Sir *William Armyn* Baronet, Sir *Philip Stapleton* Knight and *John Hambden* Eſquire, Members of the Houſe of Commons, to be Committees for both Houſes of Parliament, to attend the Kings Majeſty during his Abſence in the Kingdom of *Scotland*, and do hereby Authorize them, or any three or more of them, from time to time, to preſent to his Moſt Excellent Majeſty the humble deſires, Counſel and Advice of his Majeſties moſt Loyal Subjects, the Lords and Commons in Parliament, according to ſuch Inſtructions, and Directions, as are hereunto annexed, or ſhall at any time hereafter be ſent unto them, by the Order and Conſent of both Houſes.

Inſtructions for the Commiſſioners for *Scotland*.

The Commiſſioners Inſtructions.

I.

YOU ſhall humbly deſire his Majeſty, That the Treaty agreed upon, between the Commiſſioners of England *and* Scotland, *confirmed and ratified in this preſent Parliament, may likewiſe be confirmed and ratified in the Parliament in* Scotland.

II.

You ſhall preſent to his Majeſty the juſt Demands of any of his Loyal Subjects of England, *concerning a due Satisfaction to be made of all Debts, due to them for Mony, Arms or Proviſions, taken up by the* Scottiſh *Army.*

III.

If you ſhall underſtand that the Army of Scotland *is not returned back, or the Army of* England *not disbanded, according to the Articles of the Treaty,*

August, 1641.

this might have been done with half the Charges, if the E. *Strafford's* Advice had been taken.

ty, and Order of Parliament you ſhall be very inſtant and earneſt in Petitioning his Majeſty that all Obſtacles and Impediments taken away, the Kingdom may be freed from that great Charge, and thoſe Miſcheifs, under which it groans by reaſon of thoſe Armies.

IV.

You ſhall by all fit ways of Petition and Interceſſion to his Majeſty, further and preſerve the Peace and good Correſpondency, betwixt the two Kingdoms of England *and* Scotland.

V.

You ſhall from time to time Certifie both Houſes of Parliament, of ſuch Accidents and Occurrences as may concern the good of the Kingdom.

Which Ordinance and Inſtructions were agreed to, by the Lords at a Conference this Day.

Mony Ordered disbanding the Army.

The great Obſtacle to the disbanding the Army, though it filled the Heads of the Party with Fears and Jealouſies, which from them was diffuſed through the whole Nation, was perfectly the want of Money, and not ſuch Deſigns of dangerous Conſequence, as were pretended to amuſe the People, this they well knew, and therefore Ordered thirty thouſand Pound to be ſent down to Pay and Disband the Army.

The Qs. Anſwer to the Commons about the Commiſſioners carrying any Meſſage to the King.

A Meſſage was brought from her Majeſty to the Houſe, *That her Majeſty returns her Thanks for the Reſpects of this Houſe, but She hath lately ſent to His Majeſty, and hath nothing at this time to write.*

Order about the L. Major and Commonalty of *London*, about the choice of one Sheriff.

This Morning the Lord Privy Seal Reported, That the Lords Committees meet Yeſterday, to ſee if they could Mediate and Compoſe the Differences between the Lord Mayor of *London*, and the Commonalty, touching the Election of one Sheriff, but they could have no ſucceſs in it, and ſo left it to the Conſideration of this Houſe. Hereupon the Lord Viſcount Say and Seal, and the Lord Biſhop of *Lincoln*, were appointed to withdraw, and conſider of an Order for ſetling the Election of the Sheriff *pro hac vicè*, with a *Salvo* on both Parts, which Order is to be entred in the Books of the Chamber of *London*, the Order was in theſe Words.

IN the Cauſe depending between the Commons and Citizens, and the Lord Major of the City of London, *about the Nominating and Electing of one of the Sheriffs of the ſaid City for this Year enſueing, their Lordſhips taking it into their Conſideration, that the Election ſhould have been diſpatched upon* Mid-Summer *day laſt paſt, and finding that upon Omiſſion of performing the Election, as upon that Day, Devolutions have enſued* pro tali vicè, *to the Commonalty of* London, *do Order that for this time the ſaid Commonalty ſhall forthwith proceed to the Nomination and Election of both their Sheriffs for the Year following, hoping that for the firſt of the two Sheriffs, they will make choice of that Party that was Nominated by the Lord Major, and their Lordſhips do further declare, That this Order ſhall be no way prejudicial to any Right and Prerogative claimed by the Lords the Majors of the City of* London *for the time being, nor yet to any Right or Claim made by the Commons or Citizens in this matter now in Queſtion amongſt them.*

Auguſt, 1641.

The Commiſſioners for *Scotland* to quicken the Disbanding.

It was alſo Ordered, *That thoſe Lords that are to go into* Scotland, *with ſome of the Members of the Houſe of Commons, ſhall go to the Lord General in their Paſſage, to deſire that the Order of both Houſes may be put into ſpeedy Execution, for the disbanding of the Horſe, and they are to give an Account of the Lord Generals Anſwer.*

Order to ſtop proceedings upon the Conviction of the Lady *Wotton* a Recuſant.

Upon ſignification this day made unto the Lords Houſe that an Indictment and Conviction in *London*, againſt the Lady *Margaret Wotton* for Recuſancy, is returned into the Treaſurers and Remembrancers Office of the Court of Exchequer and the Pipe, contrary to former Orders of this Houſe in that behalf, and againſt the Priviledges of the ſame. It is Ordered, *That no further Proceedings ſhall from henceforth be had in the ſaid Treaſurers, Remembrancers, or Pipe Offices, againſt the ſaid Lady upon the ſaid Conviction, nor any Proceſs ſhall be thence made, or iſſue thereupon, until this Houſe ſhall give further Order in this Matter.*

Saturday, Auguſt 21. Diſarming of Recuſants.

Upon a former Information to the Commons by one *Sewer*, that he had ſeen a great quantity of Arms in the Marquiſs of *Wincheſter's* Houſe, the Commons deſired a Conference with the Lords about it, which Conference was thus Reported by Mr. *Pym*.

That the Earl of *Warwick* ſaid, That whereas this Houſe had propounded the Diſarming of Recuſants, their Lordſhips agreed with them in the matter, but deſired a free Conference concerning the manner; but it was remembred by another Lord, that the manner was likewiſe propounded, which was to ſend down Commiſſioners into all Counties to ſee it done, upon which the Lords deſired of this Houſe to conſider what men to ſend down, and they did fully agree to the manner.

A Meſſage from the King about Soldiers for the *Spaniſh* Ambaſſador.

This Day the Lord Keeper ſignified to the Houſe, *That His Majeſty hath Commanded Mr.* Nicholas *the Clerk of the Council to let their Lordſhips know, That His Majeſty is ſo far now engaged to the* Spaniſh *Ambaſſador for four Regiments of* Iriſh, *That His Majeſty cannot go back now; and that it was aſſured His Majeſty before he went from* London, *that both Houſes were content, only it wanted the formality of Voting; whereupon His Majeſty gave an abſolute Order for the Levying and Tranſporting of thoſe Men; and reiterated His Majeſties promiſes to the Ambaſſador; wherefore His Majeſty would have the Houſes acquainted herewith, that thoſe Levies may not be ſtopt.* Which was afterwards at a Conference communicated to the Houſe of Commons.

Monday, Auguſt 23. Letters from the E. of *Holland* and Sir *William Udal* about disbanding.

A Letter from the Lord General the Earl of *Holland* was this Day Read, informing the Lords, *That he had not been wanting in diligence to fulfil their Orders and Commands in Disbanding the Army, and that it was an affliction to him that the beſt Service he was able to perform, was not better accepted by their Lordſhips; That he had done all that lay in his Power, and that as ſoon as the Accounts for Billetting could be ſtated, they ſhould be diſcharged; but till Money came to them, they could not do it.*

This was ſeconded by a Letter from Sir *William Udal*, informing, *That they can proceed no further in the Disbanding till there be a Supply of Money, and that he hath not above* 200 *l. in his hands.*

Tueſday, Auguſt 24.

Whereupon It was Ordered, *That the Gentlemen that ſerve for the City of* London *ſhall endeavour to Borrow* 40000 *l. of the City upon the Credit of the Two laſt Bills of* 4 *Subſidies and the Poll-Bill, without which the Army cannot be Disbanded.*

Auguſt, 1641.

The *Speaker* of the Houſe of Commons was likewiſe Ordered to write a Letter in the Name of the Houſe to thoſe Sheriffs who were thought deficient in gathering the Poll-Money, to quicken them, in the Collecting and ſending of it to the Army. The Copy of which Letter was thus;

SIR,

The Speakers Letter to the Sheriffs about the Poll Mony.

THE Houſe of Commons did hope, that in ſo great a time and ſo viſible a Neceſſity of preſent Money, no private perſon, much leſs any Publique Officers, would have been ſo ſlow in contributing their Aſſiſtance to the getting in of the Poll-Money; but by the not coming in of this, from the ſlow and ſlender coming of it from others, together with more particular Informations, this Houſe is forced to believe that both Payers, Aſſeſſors, Collectors, and Returners, are in fault concerning it.

I am therefore Commanded to let you know from the Houſe, That as you tender your Own, or the Publique Good, you make all poſſible haſt in returning ſuch Money as you have ready; and that you will make known to the Commiſſioners, That, if we be not by them prevented, the Houſe intends to make a review of the Aſſeſſments, to the End, that wherein the Aſſeſſors through partiality ſhall be found either to have left any uncharged, whom the Act chargeth, or to have charged any lower than they are charged by the Act, thoſe that ſhall be found faulty, may incur both the ill Opinion and ſevere Puniſhment of Parliament as Contemners of the greateſt Authority, in a time of greateſt Neceſſity; and by that Contempt being Cauſes of the Armies leſs ſpeedy Diſbanding, to the Danger as well as the unſupportable and unneceſſary Expence of the Kingdom.

An Order was likewiſe drawn up and preſented to the Lords at a Conference, by Mr. *Pym*, with the Reaſons of it, the Neceſſity of preſent Money, for the ſeveral Counties therein mentioned to pay in their Poll-Money at *York*. See the Order it ſelf.

Auguſt 24. 1641.

The Order of both Houſes for paying in the Poll-Mony at *York* to Expedite the Diſbanding. *Aug.* 24. 1641.

An Order of the Lords and Commons in Parliament, concerning the more ſpeedy Tranſportation of the Poll-Mony to York, *for Diſbanding of His Majeſties Army.*

WHereas it is Enacted, that the Sheriffs of the Counties and Cities hereafter named, ſhall amongſt others, pay ſuch Summs of money, as they ſhall receive for Poll-money, to the Treaſurer in the Act named, in the Chamberlains Office within the City of *London*.

Now foraſmuch as their long delay and ſlow payment is very burthenſom and dangerous to the Kingdom, becauſe the Kings Army in the North, by this means remains un-diſbanded, to the inſupportable Charge of the Commonwealth.

For the more ſpeedy relief of the Kingdom, the Lords and Commons in this Parliament aſſembled, do hereby order and ordain, that the ſeveral Sheriffs of *Worceſter*, *Cambridge*, *Huntington*, *Leiceſter*, *Northampton*, *Rutland*, *Warwick*, and of the Cities that are Counties within thoſe Countries, and every of them reſpectively, ſhall forthwith on notice of this Order, ſend ſuch Monies now in their hands, or ſhall come to his Hand, or any of their Hands reſpectively, or to the Hands of his Under-Sheriff or Deputy, or to the Hands of any of their Under-Sheriffs or Deputies reſpectively, under a ſufficient Guard and Convoy to the City of *York*, to pay the ſame to Sir *William Vdall* Knight,

Treaſurer

Auguſt, 1641.

Treaſurer of His Majeſties Army, now there reſiding, takeing his acquittance for the ſame: which acquittance the ſaid ſeveral Sheriffs reſpectively ſhall ſend to the Chamber of *London*; and that the ſaid Treaſurer in the Act named, ſhall accept of the ſame, as if ſo much Money were paid in *ſpecie*, and ſhall deliver an Acquittance or Acquittances for the ſame, which ſhall be as ſufficient a diſcharge to the ſaid ſeveral Sheriffs, as if the Mony had been paid there.

And the ſaid Treaſurer of the Army, is hereby required, that he ſhall as ſpeedily as he may, after the receipt of any ſuch Summs from any of the Sheriffs afore-mentioned, ſend up to the ſaid Treaſurer of the Chamber of *London*, preſent and diſtinct Certificates of the ſame.

It is further Ordered, that the ſeveral Sheriffs of the Counties through which theſe Moneys do paſs, ſhall provide a ſufficient Convoy to Guard the ſame through the ſeveral Counties: and that the Sheriffs under whoſe charge the Money is, ſhall have allowance for Tranſportation thereof in their ſeveral Accounts.

Laſtly, it is ordered that a ſtrict account be taken of the proceedings of the ſeveral Sheriffs; as alſo, the Treaſurer of His Majeſties Army, and of the Treaſurer appointed by the Act, and of their obedience and conformity to this Order: and if any ſhall fail therein, it ſhall be Interpreted as a great neglect of the ſafety of the Kingdom, and contempt of both Houſes of Parliament; for which they ſhall be called to anſwer, and make ſatisfaction as well for their offence, as for ſuch damage as the Common-wealth hath undergone by their default.

Wedneſday, Auguſt 25.

There came Letters alſo this day, That the *Scotch* Army, were marched away, and that his Majeſty had prevailed with the Parliament of *Scotland*, that their Ordnance and Ammunition ſhould be left at *Newcaſtle*, to be conveyed to *London* or ſome other Magazine.

There was this day a Debate in the Commons Houſe about Disbanding the Officers of the Army who are about the Town, and after that concerning the Pay due to Commiſſary *Wilmot*, *Coll. Aſhburnham*, Mr. *Percy*, &c. Upon which it was Reſolved, *That their Pay ſhould for the preſent be ſtopped*. Whereupon Mr. *Selden* ſtood up and ſpoke in mitigation of their faults, *Conceiving them*, as he ſaid, *not only acquitted, but pardoned by the Act of Pacification, which was an Act of Pardon.* But to this it was anſwered, *That, that* Act *concerned only the Differences between the Two Kingdoms, and not the Offences of particular perſons; for that if it did, the Archbiſhop of* Canterbury, *and other Delinquents, could not be proceeded againſt.*

Lord Major of *London* Petitions the Lords.

This day the Lord Mayor of *London* having Petitioned the Houſe of Lords, and attending there he was called in, and the Recorder deſired to be heard in the behalf of the Lord Mayor and Aldermen, touching the Order made lately by this Houſe concerning the Election of one of the Sheriffs of *London*, which he ſaid concerned very much the Government of that City, and likewiſe to acquaint their Lordſhips with ſome of the things which will enſue as inconveniencies to the City thereupon.

Upon this the Major and Recorder and others were commanded to withdraw, and this Houſe taking the ſame into Conſideration, *Reſolved to hear them in any thing which concerns the good Government of the City, or any grievances which are likely to grow upon the City by other Occaſions, but not to hear them to ſpeak any thing to arraign the Orders of this Houſe.*

The Petition of the Mayor, &c. was read, among other Complaints ſets forth, *That they doubt the Commons of the ſaid City will throw off*

Auguſt, 1641.

the Government of the Common-Council, which tends much to the Peace and Wellfare of the City.

Then the Lord Mayor, Aldermen and Recorder were called in again, and the Lord Keeper told them, *That their Petition hath been read, and that their Lordſhips conceive their Order to be very juſt, and no ways prejudicial to either ſide, it being with a ſaving of both Rights, therefore will hear nothing to arraign it.*

As for the Government of the City, the Lords are very careful of it, and Command the Lord Mayor, &c. *to be ſo likewiſe: And for the Common-Council their Lordſhips do let them know, That they are reſolved to maintain it, as tending much to the well and quiet Government of the City; and when the particular matters of Difference between them and the Commons ſhall appear, this Houſe will do what they can to ſettle the differences between them.*

Thus did every thing run ſwiftly down the Torrent, againſt not only the Monarchy, but even the Image of it; the Popular humor, and inclination to Popular Government being grown Predominant, and the Epidemical Diſeaſe both in the Church and State.

The Conference about the State of the Navy, *Aug.* 26. 1641.

THe Lord Biſhop of *Lincoln* Reported the Conference about the ſtate of the Navy, *That the Houſe of Commons have taken into their Conſideration the Preſent State of the King's Navy, and they find that many Ships are laidby, and twelve no Uſe is to be made of them: alſo they find that the Arrears of the Officers of the Navy are very great, and the Proviſions of the Magazines decayed, That for the Guarding of the Narrow Seas this Year, the Houſe of Commons ſet forth Ten of the King's Navy, and Ten Merchants Ships, the Charge whereof will amount to* 59000 *l, towards the Payment whereof, there is only advanced* 12000 *l. out of the Money granted to the King for Tonnage and Poundage; And conſidering, that the Sea-men when they come home will Expect their pay, and are to remain in their Pay, until they receive their Wages, which will grow to an Exceſſive Charge, unleſs ſome Courſe be taken for providing of the ſaid* 57000 *l.*

For defraying of which Sum, and for diſcharging of other Charges of the Navy, the Houſe of Commons are of Opinion, and deſire this Houſe to joyn with them in it, That the Commiſſioners of the Treaſury do iſſue out Warrants to the Farmers of the Cuſtom-Houſe, *to pay* 15000 *l. a Month to the Treaſurers of his Majeſties Navy out of the Money received for* Tonnage *and* Poundage, *towards the raiſing the aforeſaid Sums; the time to begin from the Firſt day of* Auguſt 1641, *to the Firſt day of* December *next, and that ſome Member of this Houſe be joyned with Two of the Houſe of Commons to ſee this done in the time of the Receſs.*

And further, the Houſe of Commons deſires that the Lord General may receive Directions to give Order to the Governor of Barwick *to ſhip the Ordnance and Ammunition there, in ſuch Ships as ſhall be appointed to bring them to the* Tower *of* London; *and the like Warrant to be given to the Governor of* Carliſle, *to bring the Ordnance and Ammunition from* Carliſle *to* Newcaſtle, *to be Shipped for the* Tower; *which Ships are to be Wafted by one of his Majeſties Ships.*

Hereupon it was Ordered, That this Houſe doth joyn with the Houſe of Commons herein.

A Letter was alſo this day Read, which was drawn up by the Select Committees of both Houſes to be ſent to the Lord General in theſe Terms.

May it pleaſe your Excellency.

I Preſented your Letters of the 23d. *of* Auguſt *to the Houſe of Peers, by which they underſtand what progreſs your Excellency hath made in Diſbanding the Army, wherein your diligence hath prevented the time propounded in your former Letter; and I am commanded to declare, that in their apprehenſion, your Excellency hath hereby fully and clearly expreſſed your care of the Publick Good and Safety of the Kingdom, and your reſpect to the Houſe, which works in them much contentments and yields a great return of Honor to your ſelf: as nothing can be dearer to the Parliament than the Publick Good, ſo your Excellency can in no way more advance your ſelf in their Eſtmmiation, then by joyning with them in that affection.*

The Letter to the Lord General about the 9 Counties paying Poll-Money at *York*, to finiſh the Diſbanding.

The Reaſon which moved them to deſire the Horſe might be firſt Diſbanded, was of very ſpecial Importance, and ſtill inclineth them to continue the ſame expectation for thoſe who are yet undiſbanded: but for the time paſt, they reſt ſatisfied in the anſwer and proceedings of your Excellency, aſſuring themſelves, That though there was ſome difference in the way, yet you fully agreed with them in the end, which is to eaſe the Common-wealth and ſettle the publick Peace with as much expedition as may be, for the more ſpeedy effecting whereof there is already 23000l. *on the way, and Order given for* 27000l. *more to be ſent with all ſpeed; and a Courſe taken by the Houſe of Commons to quicken the payments of the Poll Money in the Nine Shires adjoyning to* York; *and both Houſes of Parliament have by an expreſs Ordinance commanded the Sheriffs of eight other Counties, to bring all their Money immediately to* York; *whereby the Houſe conceiveth and hopeth your Excellency will be ſupplied with Treaſure ſufficient to Diſband the remainder of the Army at the time preſcribed or ſooner if it may be; and that by your prudent and faithful effecting thereof, the heavy burthen of Care and Pains which lies upon you in the diſcharge of this great Truſt will be removed, and ſhall end in the thanks and obligations of this Houſe and of the whole Kingdom, producing to your Excellency ſuch an Increaſe of Honor and happineſs as ſhall be ſuitable to your own Merit and the deſires of,*

Tour Excellency's humble Servant,
Edward Littleton *Cuſtos Sigilli.*

To ſtir up the City to lend more money, the Commons fell upon the Debate of the Caſe of *London-Derry*, and thereupon,

Mr. *Whiſtler* Reports from the Committee appointed to examin that matter, the Caſe of *London-Derry*, upon which it was,

(1) *Reſolved upon the Queſtion,* That it is the Opinion of this Houſe that the Citizens of *London* were ſollicited and preſſed to the under taking of the Plantation of *London-Derry*.

Votes about *London-Derry* in *Ireland*.

(2) *Reſolved, &c.* That the Copy atteſted with Mr. *Soams* his Hand, is a true Copy of the Sentence in the Star-Chamber given againſt the Mayor and Commonalty of the City of *London*, and the Society of the Governor and Aſ-

ſiſtants of *London*, of the new Plantation of *Vlſter* in the Kingdom of *Ireland*.

(3) *Reſolved, &c.* That the Order made in the Court of Star-Chamber, Dated 8. *May* 8 *Car.* is unlawful both for the Matter, Perſons, and time therein prefixed,

(4) *Reſolved, &c.* That the King was not deceived in the Grant which he made unto the Society of Governors and Aſſiſtants of *London* of the new Plantation of *Vlſter* in the Kingdom of *Ireland*; in particular, not in creating a new Corporation called the Society of the Governor and Aſſiſtants of *London*, of the new Plantation of *Vlſter* in the Kingdom of *Ireland*.

(5) *Roſolved, &c.* That in creating the new Corporation of the Society of the Governor &c. The King did not by that Patent grant more Lands then was by him intended to be granted, nor was therein deceived.

(6) *Reſolved &c.* That it doth not appear by ſufficient Proof that the Citizens of *London* were tyed to perform the Printed Articles, and conſequently not bound to plant with *Engliſh* and *Scots*, nor reſtrained from planting with Natives.

(7) *Reſolved, &c.* That though by the 27 Article, the City was to build 200 Houſes in *Derry*, and 100 Houſes at *Colerain* by the firſt Day of *November* 1611, admitting the Houſes were not Built, nor the Caſtle of *Culmore* repaired by the time prefixed, yet this is no Crime, nor cauſe for giving Damages, in regard the City had not their Patent until the *29th* of *March* 1613.

(8) *Reſolved, &c.* That there is no proof that the Governor and Aſſiſtants of *London*, of the new Plantations or any of the twelve Companies, did make any Leaſe unto any Popiſh Recuſant, nor of any decay of Religion there by default of the Planters.

(9) *Reſolved, &c.* That there is no proof of any default in the Planters, for not making of a ſufficient number of Free-holders, nor any Article that doth tye them thereunto.

(10) *Reſolved, &c.* That there is no proof that the City of *London* or their Governor of the new Plantation, have felled any Trees in the Woods called *Glancanking* and *Killitrough* contrary to their Covenant.

(11) *Reſolved, &c.* That the not conveying of Glebe-Lands to the ſeveral Incumbents of the ſeveral Pariſh Churches, in regard they did not enjoy the Lands, is no Crime puniſhable, nor cauſe of Seizure of their Lands.

(12) *Reſolved, &c.* That the breach of Covenant (if any ſuch were) is no ſufficient cauſe to forfeit Lands.

(13) *Reſolved, &c.* That the breach of Covenant is no Crime, but Tryable in the ordinary Courts of Juſtice.

(14) *Reſolved, &c.* That the Court of Star-Chamber whil'ſt it ſtood as a Court, had not any power to examin or determin breach of Covenant or Truſt.

(15) *Reſolved, &c.* That the Court of Star-Chamber while it ſtood a Court, had no power to examin Free-hold Inheritance.

(16) *Reſolved, &c.* That the Sentence upon theſe two Corporations aggregate, no particular Perſon being Guilty is againſt Law.

(17) *Reſolved, &c.* That in all the proof of this cauſe, there doth not appear matter ſufficient to convince the City of *London* of any Crime.

(18) *Reſolved, &c.* That upon the whole matter, this Sentence in the Star-Chamber was unlawful and unjuſt.

(19) *Reſolved, &c.* That this compoſition and agreement made with the City upon theſe Terms, in this time of extremity, ought not to bind the City.

(20) *Reſolved, &c.* That this Houſe is of Opinion, that when the King ſhall be pleaſed to repay thoſe Monies which he hath received upon this compoſition, and ſuch Rents as he hath received by colour of this Sentence, that then His Majeſty ſhall be reſtored to the ſame State he was in, and the Patent thereupon gotten ſhall be cancelled or ſurrendred.

(21) *Reſolved, &c.* That the Citizens of *London*, and all thoſe againſt whom the Judgment is given in the *Scire facias*, ſhall be diſcharged of that Judgment.

(22) *Reſolved, &c.* That the Opinion of this Houſe is, That they think fit, that both the Citizens of *London*, and thoſe of the new Plantation, and all under Tennants, and all thoſe put out of poſſeſſion by the Sequeſtration, or Kings Commiſſioners, ſhall be reſtored to the ſame State they were in before the Sentence in the Star-Chamber.

Auguſt, 1641.

The Plague which had for ſome time viſited the City of *London*, began now to ſpread and increaſe, upon which there was a Petition from the Magiſtrates, Miniſters and People of the City of *London*, for a Day to be ſet apart for Solemn Humiliation and Faſting, to implore the Divine Majeſty, to avert the impending Judgment of the Peſtilence from the City and Nation.

The Plague in *London.* City Petition for a Faſt.

This day it was moved, *That there ſhould be ſome publick Notice given of the Day appointed for publick Thankſgiving, for the Pacification, being the ſeventh of* September, *and a Declaration for this purpoſe being framed and read*, was carried up to the Lords for their Concurrence, which they readily gave, the Order was as follows.

Friday, Auguſt 27.

An Ordinance of Parliament for a Day of Publick Thanſgiving, for the Peace, Concluded between England *and* Scotland.

“WHereas it hath pleaſed Almighty God to give a happy cloſe to the Treaty of Peace, between the two Nations of *England* and *Scotland*, by his wiſe Providence defeating the evil hopes of the ſubtil Adverſaries of both Kingdoms; For which great Mercy it was by the Kings Moſt Excellent Majeſty, the Lords and Commons in this preſent Parliament Enacted, That there ſhould be a publick Thankſgiving in all the Pariſh Churches of his Majeſties Dominions; It is now ordained and declared by the Lords and Commons in Parliament, that the time for the Celebration of that Publick Thanks to Almighty God, for ſo great and publick a Bleſſing, ſhall be on *Tueſday* the ſeventh of *September* next, by Prayers, Reading, and Preaching of the Word in all Churches and Chappels of this Realm, whereof We require a Careful and due Obſervance: That we may joyn in giving Thanks, as we partake of the Bleſſing, with Our Brethren in *Scotland*, who have deſigned the ſame Day for that Duty.

The Ordinance of Parliament for the Thankſgiving for the Pacification *Aug.* 27 1641.

Die Veneris 27. *die Auguſti* 1641.

Ordered by the Lords in Parliament that the aboveſaid Ordinance be Printed.

God ſave the KING.

There was alſo a Conference with the Lords about the adjournment or Receſs of the Parliament for ſome time, the Lords liked the time of the Adjournment, which was to be the ninth of *September*, but deſired the Adjournment might be till the firſt of *November*; but the Commons who had before voted in their Houſe, that it ſhould continue only till the 20*th* of *October*, were reſolute, as indeed generally they were, to yield little to the Lords, not to depart from their former Vote, and therefore returning from the Conference, upon the Debate it was

Conference about the Receſs of the Parliament.

Reſolved

August, 1641.

Reſolved upon the Queſtion, *That this Houſe ſhall inſiſt upon the former Day of Return, to be the* 20 *of* October. *And the Reaſons which were preſented to the Lords were,*

(1) *The Nature of the Cauſes, which are depending in both Houſes, ſome whereof being for High Treaſons, and the Impeachment of the Judges, the Inception of which Buſineſſes, they deſire may be before the next Term.*

(2) *The time of Payments of Monies promiſed to the City of* York, *falls out to be before the firſt of* November, *therefore they deſire their Lordſhips, would joyn with them to have the Receſs only till the* 20th *of* October *next.*

To which the Lords condeſcended, provided there fall out no emergent Occaſion, between this and *Wedneſday* come ſeven Night.

Ordered, *That the Lords be kept together until the Receſs.*

A Petition of Sir *George Radcliff*, and a Letter to the Lords Chief Juſtices in *Ireland* upon it, *Aug.* 27. 1641.

A Petition having been preſented to the Lords by Sir George Radcliff, *complaining that he being ſeized in Fee of ſome Lands in* Ireland, *is diſpoſſeſſed of the ſame in reſpect of the Impeachment of Treaſon againſt him here, by means whereof he hath not received any thing, out of his Eſtate in* Ireland, *for about ſix Months laſt, and ſo had wanted Bread, if he had not been ſupplied by the Charity of ſome Friends. He therefore humbly prays, that he may be reſtored to his ſaid Eſtate, and be Enabled by Order of this Houſe, to demand his Rents there due unto him, whereby he may be able to ſuſtain himſelf and his Family from want.*

Hereupon the Lord Privy Seal, the Lord Biſhop of *Lincoln*, and the Lord *Wharton*, were Ordered to draw up a Letter, to be ſent to the two Chief Juſtices in *Ireland*, to deſire them to prevent by what Legal way they can, the Eſtate of the ſaid Sir *George Radcliff* from Ruine, whereby he may have Maintenance to ſuſtain him. The Tenor of which was this.

After my very heartieſt Commendations, &c. *unto your Lordſhips, I am to give your Lordſhips to underſtand, from the Right Honorable the Peers Aſſembled in Parliament, That their Lordſhips having taken the Petition of Sir* George Radcliff *into their Mature Conſideration, a Copy whereof your Lordſhips ſhall receive herewith incloſed, they do not as yet apprehend any Reaſon, why the Petitioners Eſtate upon an Impeachment only ſhould be ſo ſequeſtred, and the Lands and Leaſes ſo entred upon and invaded, as that he ſhould have no Means left him for his Maintenance, and other Neceſſaries during the time of his Impriſonment.*

But becauſe your Lordſhips, to whom his Moſt Excellent Majeſty hath committed the Juſtice and Government of the Kingdom, may know more of theſe Particulars, by reaſon of your being upon the Place where theſe Debts, Goods and Eſtates have had their Exiſtence, My good Lords, the Peers of this Houſe, do recommend the Care of this Buſineſs unto your Lordſhips, to aid the Petitioners Agents in this kind, by all the Ways of Juſtice and Equity, to recover ſuch Debts, Rents, and other Profits, as by Law and Juſtice remain due to Sir George Radcliff, *for his Maintenance and Neceſſary Uſes, until ſome further Act or Acts of Law and Juſtice ſhall otherwiſe direct and diſpoſe of the ſaid Premiſes. And ſo I bid your Lordſhips heartily Farewell.*

Your loving Friend,
E. Littleton, C. S.

To the Right Honorable, my very good Lords Sir *W. Parſons*, and Sir *J. Borlaſe*, his Majeſties High Juſtices for the Kingdom of *Ireland*.

The Requeſt of the *Spaniſh* and *French* Ambaſſadors to have Liberty to entertain ſuch of the diſbanded Troops, both in *England* and *Ireland*, as they can agree with, was this day Debated in the Houſe of Commons, upon which Occaſion Sir *Benjamin Rudyard* made this following Speech.

Sir *Benjamin Rudyard*'s Speech againſt ſuffering the *Spaniards* or *French* to have the diſbanded Soldiers, *Aug.* 28. 1641.

Mr. Speaker,

This is a buſineſs of great Conſequence, and therefore requires a well adviſed Reſolution. I will put *France* and *Spain* together, take them both before me, becauſe the Reaſons will ſerve the one and the other, as they ſtand in Relation to us.

We are, Mr Speaker, ſo bounded by the nature of our Situation, as we are not ſo proper to extend our ſelves upon the firm Land of our Neighbours; Our Aptitude is rather to Ballance; which being rightly uſed, may make the King the great Arbiter of all the Affairs of *Chriſtendom*, by aſſiſting, withholding, or oppoſing.

King *Henry* gave upon this account, this Motto, *Cui adhæreo præeſt.*

Henry the Eighth is an example of this; He was ſometimes of the ſide of the Emperor, other times of the *French* Party, according as he ſaw either ſides of the Scales to weigh heavier or higher; ſome might think this to be inconſtancy in him, but it was certainly out of a true and peculiar underſtanding his power.

The preſent State of *Chriſtendom* is apparent, That the Houſe of *Auſtria* begins to diminiſh, as in *Spain*, ſo conſequently in *Germany*. That the *French* do ſwell and enlarge themſelves: if they grow and hold, they will be to us but *Spain* nearer hand.

Alliances do ſerve well to make up a preſent Breach, or mutually to ſtrengthen thoſe States, who have the ſame ends; but politick Bodies have no Natural affections, they are guided by particular intereſt, and beyond that are not to be truſted.

Although it may be good Policy to breed a *Militia* at the charge of other States abroad for our own uſe and occaſions at home, yet that ought rather to be done amongſt Friends of the ſame way; and ſo the Low-Countries have been an Academy to us.

His Majeſty hath now an Ambaſſador Treating with the Emperor about the *Palatinate*. If we ſend away our Men, it will ſo damp and diſcountenance the affairs of the Prince Elector, as the World will believe, we never had, nor ever ſhall have any intentions to aſſiſt him at all.

I have obſerved for divers years, That *England* is not ſo well Peopled, but we do want Work-folks to bring in Harveſt; our Diſbanded Soldiers will leaſt diſlike that kind of Work, and if they be ſpeedily Diſſolved, that employment will entertain them for the preſent, and inure them to labour for hereafter.

Upon theſe conſiderations, Mr. Speaker, I cannot give my advice to add more ſtrength to *France*, by weakning both our ſelves and our Friends.

As for ſending the *Iriſh* into *Spain*, truly Sir, I have been long of Opinion, that it was never fit to ſuffer the *Iriſh* to be promiſcuouſly made Soldiers abroad, becauſe it may make them abler to trouble the State when they come Home. Their intelligence and practice with the Princes whom they ſhall ſerve, may prove dangerous to that Kingdom; They may more profitably be employed upon Husbandry, whereof that Kingdom hath great need.

Beſides, it will be exceeding prejudicial to us, and to our Religion, if the *Spaniard* ſhould prevail againſt the *Portuguez*.

It were better for us he ſhould be broken into leſſer Pieces, his Power ſhivered.

If the King of *Portugal* had deſired theſe *Iriſh*, I ſhould rather have given my Vote for him, then for the King of *Spain*, becauſe it will keep the Ballance more even; *Spain* hath had too much of our Aſſiſtance and Connivence heretofore; I am ſure it loſt us the *Palatinate*. Now that it is come to our turn to adviſe, I hope we ſhall not do over other mens faults again.

August, 1641.

If the preſent Government of *Ireland* be not able to reſtrain their diſordered People, there is a Noble Lord already deſigned to that Charge, who by his knowledge in Martial Affairs, and other his great Abilities, will be, no doubt, abundantly capable to reduce them to a due obedience.

Wherefore, Mr. Speaker, upon the whole matter, My Opinion is, that we ſhould not be forward to ſpend our Men, but rather to preſerve and husband them for our own uſe and employments, for our Friends, for our Religion.

Whether the Cloſe of this Speech did not caſt an Ominous Aſpect upon the ſucceeding Actions of this Parliament, what ever the *Speaker* meant, let the Reader judge. However, there is no doubt but this Prohibiting the *Iriſh* Army to paſs into the Service of the King of *Spain*, had a moſt direful Influence upon all the following Miſeries which befell theſe Kingdoms.

After which the Houſe came to theſe Votes:

Reſolved upon the Queſtion, *That this Houſe holds it not fit nor gives Aſſent, that there ſhould be any levies of Men, in* Ireland, *for the ſervice of the King of* Spain.

Reſolved, &c. *That this Houſe thinks it not fit nor gives Aſſent, that there ſhould be any levies of Men in any of his Majeſties Dominions for the* French *King's Service.*

Conference about Soldiers for Forreign Ambaſſadors.

Upon this a Conference was deſired with the Lords which was to this Effect. *That the* Spaniſh *Ambaſſador formerly did move the King, that he might have leave to Levy and Tranſport four Regiments of Soldiers in* Ireland, *for the Service of the King of* Spain; *his Majeſty was pleaſed to declare that he would do nothing herein, without the Advice of both Houſes of Parliament; and ſince they underſtand his Majeſty hath been informed that the Parliament did Aſſent to the Levying and Tranſporting of the ſaid Soldiers; to the end that it may appear that the Houſe of Commons are far from giving their Aſſent therein, they have reſolved and declared that they hold it not fit, nor give Aſſent that there be any Levies of Men in* Ireland *for the Service of the King of* Spain, *and hold it fit that there be a ſuddain ſtop made of the Ships, contracted for, by the* Spaniſh *Ambaſſador, for the Tranſporting of the Soldiers out of* Ireland; *And further, they hold it not fit nor give Aſſent, that there ſhould be any Levies of Men for the* French *King's Service, within any of his Majeſties Dominions, for that they know not what Uſe this Kingdom may have of Men.*

Upon which the Lords having debated the Matter, paſſed the ſame Votes with the Commons, and further Ordered Sir *John Pennington* ſhould ſtay all the Ships in the *Downes*, which were hired by the *Spaniſh* Ambaſſador to tranſport theſe Men, as alſo to ſtop ſuch Ships as were riding in the River of *Thames*, till the further pleaſure of the Houſe be known.

An Order was alſo ſent to the Lord *Newport* Conſtable of the Tower, to tender the Proteſtation to all ſuch Perſons, as he takes into the Tower for the Guard and Defence of it, and if any of them refuſe, not to admit them to be of the Guard.

Monday, Auguſt 30:

A further Order was this Day paſs'd both Houſes, concerning the Thankſgiving for the Pacification, the *Scots* it ſeems being not content after having invaded *England* in a Hoſtile manner, put the Nation to above a Million of Mony, through the Intereſt they had in the *Presbyterian* Faction, to purchaſe a Peace, even upon their own Conditions, unleſs they might be publickly declared Loyal and Faithful Subjects, to ſuch hard Terms did the Obſtinate Faction drive his Majeſty, even while they made him all the Proteſtations of Humility, Duty, Loyalty and Allegiance, which certainly to a great Monarch, who by Proclamation had juſtly ſtiled them Rebels, and had lead an Army againſt them, was a ſevere Requeſt, not to call it an Impoſition; and which none but Presbyterians, or their Off-Spring would have attempted: but ſuch was the Fury and Violence of the Current, that there was no ſtopping or ſtemming of it, and his Majeſty found himſelf under ſuch hard Circumſtances and Difficulties, that he was even compelled to yield to this moſt extravagant Requeſt. See here the Order.

An Order to declare the *Scots* who invaded *England*, faithful and Loyal Subjects in all Churches and Chappels upon the Thanksgiving Day.

Whereas according to the Act of this preſent Parliament for Confirmation of the Treaty of Pacification, between the Kingdoms of England *and* Scotland, *it was deſired by the Commiſſioners of* Scotland, *that the Loyalty and Faithfulneſs of his Majeſties Subjects might be made known at the time of the Publick Thankſgiving in all Places, and particularly in all Pariſh Churches of his Majeſties Dominions: which Requeſt was graciouſly condeſcended unto by his Majeſty, and confirmed by the aforeſaid Act. It is now Ordered and Commanded by both Houſes of Parliament, that the ſame be effectually done in all Pariſh Churches throughout this Kingdom upon* Tueſday *the* 7th *day of* September *next coming, at the time of Publick Thankſgiving, by the ſeveral and reſpective Miniſters of each Pariſh Church, or by their Curates, who are hereby required to read this preſent Order in the Church.*

Thus did they reſolve not only to conquer, but to triumph, and this was alſo to be a little kind of Shibboleth for the Clergy, for who ever did either ſpeak any thing againſt the *Scots*, or declined this Declaration of their Loyalty and Fidelity to the King; which it was very difficult for Men of ſenſe to believe, and therefore more hard for Men of Conſcience to declare, were certain to be eſteemed Malignants, and upon the leaſt Complaint were ſure to be ſent for in the Cuſtody, as Delinquents.

Marſhal and *Burgeſs* to preach before the Commons upon the Thanksgiving Day.

It was alſo Ordered, *That Mr.* Marſhal *and Dr.* Burgeſs *be deſired to Preach before the Houſe of Commons, upon the Thanks-Giving Day, at St.* Margarets *Church in* Weſtminſter.

A Petition of ſome Merchants to ſeize ſome Parts of *America*.

A Petition was preſented to the Houſe by ſeveral Merchants about the Town, conſiſting principally of three Heads.

(1) *That there might be a certain number of Ships, well appointed and ſtored with Ammunition and Proviſion, for ſuch a Service to be ſent to* America, *and ſome Part to* Affrica, *whereby we might poſſeſs our Selves with the Riches of thoſe Countries.*

(2) *That the* Spaniſh *Party is now grown weak, which may induce us with greater alacrity to attempt it.*

(3) *That we may thereby become poſſeſſed of the Command of both the* North *and* South *Seas, which will both increaſe Commerce, Shipping, Sea-Men and Trade at Home, and render us Formidable and Powerful Abroad.*

The Lord Keeper ſignified to the Houſe, that he had received a Letter from the King at *Edenburgh*, by Mr. *Anthony Nichols*, who was the Expreſs ſent from both Houſes, to His Majeſty in *Scotland*. The Letter was read in *hæc verba*.

The King's Letter to the L. Keeper about the Commiſſion to the Committees of both Houſes.

Right Truſty and well Beloved, We greet you well. Whereas We have underſtood by the Petition of both Houſes of Our Parliament in England, *(which* Anthony Nichols *Eſquire hath been imployed to Us from them) that they are reſolved to ſend down, certain of their Members for to ſee the Ratification of the Treaty of Pacification, by the Parliament here, and to that end, have deſired a Commiſſion under Our Great Seal, We do not hold neceſſary to ſign any ſuch Commiſſion, but are hereby graciouſly pleaſed to give leave to the ſaid Members, to come and attend Us here in* Scotland, *to ſee the Ratification of the ſaid Treaty, and what elſe belongs thereunto, and this We require you to ſignifie unto both Houſes from Us.*

Given under Our Signet, at Our Court of *Edenburgh*, and the 25*th* Day of *Auguſt* in the 17 Year of Our Reign.

Such was the Ungovernable Inſolence of the Rabble of thoſe, who called themſelves the Well-Affected Party, by their having been indulged, becauſe not ſeverely Puniſhed in the Caſe of the Earl of *Strafford*, that upon every Occaſion, like a Fire ill quenched, they broke out into Diſorder and Outrages, which was the Occaſion of this following Order of the Lords.

An Order of the Lords about the Tumults, concerning the *French* Ambaſſador, *Aug.* 30. 1641.

‘Upon Information this Day to this Houſe, that the *French* Ambaſſador and his Servants, hath been lately Aſſaulted in his own Houſe, by a Company of Rude and Inſolent People, unto the great Diſhonor of Our Nation, and to his Lordſhips inſufferable Wrong, Injury and Diſhonor, whereof this Houſe is very ſenſible, and do intend that all poſſible Diligence be uſed, for the finding out of the Malefactors for the Puniſhment of them, to the Example and Terror of others, that none may preſume hereaſter to commit the like Outrages to any Ambaſſadors, of whom this Houſe will always take regard, It is therefore thought fit and Ordered by this Houſe, That Mr. *Hooker*, Mr. *Long*, Mr. *Whittacre* and Mr. *Shepheard* his Majeſties Juſtices of the Peace, or any two or more of them, ſhall ſpeedily take this Buſineſs into their Examination, and by all Dilligence that may be uſed, find out the ſaid Malefactors, and to Impriſon them, until they find out Sureties for their good Behavior, and to appear in this Houſe on *Monday* the *6th* of *September* 1641. to undergo ſuch Puniſhment, as their Lordſhips ſhall think fit to inflict upon them, for their ſaid Offences, and Miſdemeanors ſo committed as aforeſaid. And that the ſaid Juſtices of the Peace, having throughly examined the Buſineſs, ſhall make Certificate unto this Houſe, on the ſaid ſixth day of *September* next of all the whole Matter, and how they find it, that thereby their Lordſhips may proceed therein according to that which ſhall be Juſt. And laſtly, That the aforeſaid Juſtices, ſhall give Order, That there ſhall be Watch ſet according to Law, for the better ſecuring the Safety of the Ambaſſador, and his Houſe, and for preventing Diſorderly and Tumultuous Aſſemblies.

Ordered, *That the Lord Great Chamberlain, Lord Chamberlain, Earl* Warwick, *Lord* Kymbolton, *do acquaint the* French *Ambaſſador from this Houſe, that their Lordſhips have taken this Buſineſs into Conſideration.*

The Houſe of Commons alſo took the Caſe of Sir *John Corbet* into debate, whe for ſaying at a Quarter Seſſions in the County of *Salop*,

That

Auguſt, 1641.

That the Muſter Maſters Wages throughout England *were illegal, and againſt the Petition of Right,* &c. had been Impriſoned and Fined by the High Commiſſion Court, and it was Ordered, *That the late Lord Keeper* Coventry, *the Archbiſhop of* Canterbury *and others, who were the Occaſions of it, ſhall make him Reparations for his Sufferings and Damages, and a Conference was deſired with the Lords upon it, where the Managers of the Commons delivered to their Lordſhips, a Tranſmiſſion of an Impeachment, concerning the Cauſe of Sir* John Corbet *a Member of the Houſe of Commons, againſt the Earl of* Bridgwater, *the Lord Privy Seal, the Archbiſhop of* Canterbury, *the Lord* Cottington, *the Lord* Newburgh, *and the two Secretaries of State, in which the Houſe of Commons deſire that the ſeveral Perſons whom it concerns, may be called to anſwer, and that their Lordſhips would proceed therein according to Juſtice, and that Sir* John Corbet *may have Reparation for his Impriſonment,* &c.

Next the Biſhop of *Linclon* reported, that at the ſame Conference Mr. *Nichols* that was ſent into *Scotland,* to his Majeſty from both Houſes reported, *That he had delivered the Petition and the Draught of the Commiſſion to his Majeſty, but his Majeſty thought not fit to ſign it for theſe Reaſons, which he commanded him to ſignify to the Parliament.*

(1) *That his Majeſty conceives the Treaty of Pacification, between the two Kingdoms, is already ratified by the Parliament of* Scotland.

(2) *If this Commiſſion ſhould be granted, it would beget new Matter.*

(3) *It would be a means to keep his Majeſty longer there then he intended to ſtay.*

(4) *That the* Scots *Army is over the* Tweed, *and that the Lord General hath almoſt Diſbanded all Our Army, and hath begun with the Houſe.*

The King's Reaſons for not ſigning the Commiſſion ſent into *Scotland* by Mr. *Nichols* from both Houſes.

A Letter from the Lord General was read declaring, *That he will purſue the Orders of Parliament in diſbanding the Army; but he underſtands that the* Scots *will keep* 5000 *Men undiſbanded, until our Army be all diſbanded, and our Fortifications at* Barwick *and* Carliſle *ſlighted; and that to this purpoſe, he had received Directions from his Majeſty to demoliſh the Fortifications, and remove the Ordnance and Munition from thence.*

Contents of a Letter from the Lord General.

The Biſhop of *Lincoln* Reported the Conference with the Commons concerning Diſarming Recuſants, to this Effect;

THat the Houſe of Commons had taken into conſideration the Store of Arms in this Kingdom, and they find, that there are many Arms in the hands of Popiſh Recuſants; for diſarming of whom, the Houſe of Commons have frequently recommended to this Houſe the diſarming of them according to the Stat. of 3 *Jac.* but they have found, that the good came not by this Statute as was intended, for upon Indictments for Recuſancy, there were *Certioraris*'s granted.

The Conference about diſarming, Recuſants. *Aug.* 30. 1641.

Therefore the Houſe of Commons have taken theſe things into conſideration again, and the rather, becauſe of the Kings abſence at this time in *Scotland*, and that the time of the Receſs draws nigh; and conſidering the late Troubles of this Kingdom, whch are not yet ſettled, the Houſe of Commons have conſidered of an Ordnance of Parliament, and ſome Inſtructions to be given unto ſuch Commiſſioners as they have named, to ſee to the diſarming of Popiſh Recuſants according to the Statute of 3 *Jacobi*; which Ordinance and Inſtruction they preſent to their Lordſhips, deſiring them to joyn with them herein.

Then

Auguſt, 1641.

The Ordinance of Parliament for Diſarming Recuſants.

Then the aforeſaid Ordinance and Inſtructions were read *in hæc verba.*

An Ordinance made and agreed by the Lords and Commons in Parliament for the ſpeedy diſarming of Popiſh Recuſants and other dangerous Perſons.

WHereas, for the preventing and avoiding of dangers that might grow by Popiſh Recuſants, Proviſion hath been heretofore made by Act of Parliament, for the diſarming of all Popiſh Recuſants convicted, within this Realm; which ſaid Law hath not taken ſo good effect as was intended, by Reaſon ſuch Recuſants, and Perſons Popiſhly affected, have by ſubtle practices and indirect means kept themſelves from being convicted, or being outwardly conformable, have cauſed or ſuffered their Children, Grand-children and Servants to be bred up and maintained up in the Popiſh Religion, and have otherways hindred the due Execution of the ſaid Law, to the great danger and grievance of the Common-wealth: And for that it is too manifeſt, that the ſaid Popiſh Recuſants have always had, and ſtill have and do practiſe moſt dangerous and pernicious deſigns againſt the Church and State; and by the Laws of this Realm, in times of imminent danger, or of any forcible Attempts, Deſigns or Practiſes againſt the Peace and Safety thereof, all Armor, Weapons, and other Proviſions, that may tend or be imployed to the effecting of ſuch miſchievous Deſigns, ought timely to be removed and taken away, and all fit means uſed for the ſecuring of the Peace and ſafety of the Realm.

And for the preventing of ſuch further miſchiefs as may happen by any Outrage or Violence to be offered; It is therefore Ordained and Provided by the Lords and Commons in this preſent Parliament Aſſembled, That all ſuch Arms, Gun-powder and Munition of what kind ſoever, as any Popiſh Recuſant convicted, or any Perſon or other which is or ſhall be Indicted for ſuch Recuſancy, and ſuch Indictments, either are or ſhall be removed by *Certiorari*; or being not removed, ſhall not by Appearance and Traverſe or otherwiſe be Legally diſcharged before this Ordinance be put in execution, or which ſhall not have repaired to Church more then once in every Month, or ſhall not have received the Holy Communion according to the Rites of the Church of *England*, within one whole year, next before the making hereof, and which ſhall refuſe to take the Oaths of Supremacy or Allegiance upon Lawful Tender thereof made, or whoſe Children, or Grand-children, or any of them being at his or her diſpoſe, or living in the Houſe with them, is or ſhall be bred up in the Popiſh Religion, or have not repaired to Church within one year next before the making of this Ordinance, according to the Laws and Statutes of this Realm, or whoſe Houſhold Servants, or any two or more of them is or ſhall be of the Popiſh Religion, hath or ſhall have in his and their Houſe or Houſes or elſewhere, or in the hands and poſſeſſion of any other, to his or their uſe, or at his or their diſpoſition, other then ſuch neceſſary Weapons as ſhall be thought fit by the Perſons Authorized to take and Seize the ſaid Munition, to remain and be allowed Arms & for the defence of the Perſon or Houſe of ſuch Recuſant or Perſon aforeſaid, ſhall forthwith be taken from every ſuch Popiſh Recuſant or Perſon as aforeſaid, and from all others which ſhall have the ſame to the uſe of any ſuch Popiſh Recuſant or Perſon, by ſuch Perſon and Perſons as are and ſhall be by this Ordinance appointed and authorized in that behalf for every Shire, County, and Riding within this Realm and Dominion of *Wales*; that is to ſay,

For the County of *Bedford*, Sir *Oliver Luke*, Sir *Beuchamp* St. *John*, Sir *Roger Burgoigne* Knight.

For the County of *Lancaſter*, *John Moor*, *Alexander Rigby* Eſquire, Members of the Houſe of Commons, and the two Knights that Serve for that County.

For *Cheſhire*, Sir *William Brereton* Baronet, *Peter Vennables*, Eſquire.

For the City of *Cheſter*, *Francis Gamull* Eſquire, the Major for the time being.

For the County of *Stafford*, Sir *Edward Littleton* and Sir *Richard Leviſon.*

Auguſt, 1641.

For the County of *Derby*, Sir *John Curſon*, *William Alleſtre* Eſquire.

For the County of *Nottingham*, Sir *Thomas Hutchinſon*, *Robert Sutton* Eſquire.

For the Town and County of *Nottingham*, Sir *Thomas Hutchinſon*, *Robert Sutton* Eſquire, and the Major for the time being.

For the County of *Lincoln*, *Thomas Hatcher*, *Thomas Grantham* and *John Broxholm*, Eſquires.

For the City and County of the City of *Lincoln*, the Major for the time being, and *Thomas Grantham* Eſquire.

For the Weſt Riding of the County of *York*, *Ferdinando* Lord *Fairfax*, Sir *Edward Roads*, Sir *William Strickland*, Henry *Cholmley* Eſquire.

For the Eaſt Riding, Sir *Marmaduke Langdale*, *John Allured* Eſquire.

For the North Riding, *Thomas Hebblethwait* Eſquire, Sir *Henry Anderſon*, Sir *Henry Slingsby*, *John Waſtell* Eſquire.

For the City and County of the City of *York*, the Lord Major for the time being, Sir *Thomas Widdrington*, and Sir *William Alliſon*.

For the County of *Suſſex*, Sir *Thomas Pellham*, Mr. *Shelley*, Mr. *William Hay*.

For the Ports in *Suſſex*, *William Hay*, *Herbert Morley* Eſquire.

For the County of *Bucks*, Sir *William Andrews* Baronet, Sir *Alexander Denton* Knight, Sir *John Parſons*.

For the County of *Berks*, Sir *George Stonehouſe*, Sir *John Bacchus*, *Roger Knight* Eſquire.

For the County of *Cornwal*, Sir *Richard Carey* Baronet, *Alexander Carey* Eſquire, Sir *Richard Butler* Knight.

For the County of *Cumberland*, *Richard Barwick* Eſquire, *William Pennington* of *Seaton* Eſquire.

For the County of *Cambridge*, Sir *Dudley North*, Sir *John Cutts*, *Thomas Chichely*, *Thomas Wendy* and *Thomas Symonds*, Eſquires.

For the County of *Devon*, Sir *Samuel Rolle*, Sir *John Bramfield* Baronet.

For the City of *Exceter* the Major for the time being.

For the County of *Dorſet*, Sir *Walter Erle*, Sir *Thomas Trenchard* Knights.

For the County of *Eſſex*, Sir *Harbottle Grimſton*, Sir *Richard Everard*, Sir *Thomas Bendiſh*, Sir *Robert Kemp*.

For the County of *Glouceſter*, *Henry Bret* Eſquire, Sir *Robert Cook*, *Edward Stevens*, *Thomas Hodges*, Eſquires.

For the City and County of the City of *Glouceſter*, the Major for the time being and the two Ancient Aldermen.

For the County of *Huntingdon*, Sir *Sydney Mountague*, *Anſlow Winch* Eſquire, *Tirel Joſſeline* Eſquire, *Henry Cromwel* Eſquire.

For the County of *Hertford*, *Edward Cheſter*, *Edward Wingate*, Eſquires, *John Butler*.

For the County of *Hereford*, *Walter Kerle* Eſquire, Sir *William Crofts* Knight, *John Scudamore* of *Kenchurch*, *James Kirle*, *Edward Broughton*, Eſquires.

For the County of *Kent*, Mr. *Edward Boyes*, Sir *Thomas Walſingham*, Sir *Edward Partridge*, Knights, *Richard Lee* Eſquire.

For the City and County of the City of *Canterbury*, Sir *Edward Maſters* Knight, and for the Ports in *Kent* and their Members, Sir *Edward Boys* Knight.

For the County of *Leiceſter*, Sir *Arthur Haſterigg*, *Thomas* Lord *Grey*.

For the County of *Middleſex*, Sir *John Danvers*, Sir *William Roberts*, Sir *Henry Roe*, Sir *Gilbert Gerrard*, Sir *John Franklyn*.

For the City of *Weſtminſter*, Sir *Robert Pye*, *William Wheeler*, *John Glyn* Eſquires.

For the City of *London*, the Lord Major, *Thomas Soame*, *Iſaak Pennington*, Aldermen, *Samuel Vaſſal* and Captain *John Ven*, Merchants, Members of the Houſe of Commons.

For the County of *Northampton*, *Edward Montague* Eſquire, Sir *John Dryden*, Sir *Chriſtopher Yelverton*, *Zouch Tate* Eſquire.

For the County of *Norfolk*, Sir *John Potts*, Sir *Thomas Woodhouſe*, Sir *Edmond Moundeford*.

Auguſt, 1641.

For the City and County of *Norwich*, the Major for the time being.

For the County of *Northumberland*, Sir *John Fenwicke*, *Henry Ogle*, *Thomas Middleton*, *William Shafto* of *Babington*, Eſquires. Town of *New-Caſtle*, the Major for the time being, Mr. *Ledyard.*

For the Town of *Barwick*, Sir *Robert Jackſon*, Mr. *John Sleigh* Gent. *William Fenwick* Gent.

For the County of *Oxon. James Fynes*, Sir *William Cobb*, Sir *Thomas Penniſton* and *John Doyley* Eſquire.

For the County of *Rutland*, Sir *Guy Palmes*, Sir *Edward Harrington*, *Robert Horſeman* Eſquire.

For the County of *Surrey*, Sir *John Evelyn*, Sir *Ambroſe Brown* Baronet.

For the County of *Salop*, Sir *Richard Newport*, Mr. *Richard Moore*, *Charles Baldwin* Eſquire.

For the County of *Southampton*, *Richard Whitehead* Eſquire, Sir *William Lewis*. Town of *Southampton*, Major for the time being.

For the County of *Suffolk*, Sir *Roger North*, Sir *Robert Crane*, *Robert Reynolds*, Eſquire, Sir *William Platers*, *William Cage* Eſquire.

For the County of *Somerſet*, Sir *John Horner*, Sir *John Pawlet*, Knights, *John Pyne* Eſquire. City of *Briſtol*, the Major for the time being, *John Gunning*, *John Tomlinſon*.

For the County of *Weſtmorland*, Sir *Philip Muſgrave* Knight and Baronet, Sir *Henry Bellingham*, *Gawin Braithwait* Eſquire.

For the County of *Wilts*, Sir *Nevil Poole*, *Anthony Hungerford*, Eſquire.

For the County of *Worceſter*, *Humphrey Solloway* Eſquire, *Edward Dingley*, *Edward Pitt*, *Thomas Rouſe* Eſquire. City of *Worceſter*, the Major for the time being.

For the County of *Warwick*, Sir *Richard Skeffington*, *William Combes* Eſquire, *John Hales*, *Richard Shugborough*, Eſquires. For the City and County of *Coventry*, the Major for the time being, Alderman *Million*, *John Barr* Eſquire.

For the City of *Litchfield*, the Bailiffs for the time being.

For the County of *Angleſey*, *Thomas Buckley*, *Owen Wood*, Eſquires.

For the County of *Pembroke*, *Henry Williams*, *Thomas Gwyn*, *William Morgan*, Eſquires.

For the County of *Carnarvan*, *Thomas Glyn* of *Nantley*, *William Thomas*, *Owen Wynn*, *Thomas Madrin*; Eſquires.

For the County of *Denbigh*, *Thomas Middleton*, *John Loyd*, *William Wyn* Eſquire.

For the County of *Flynt*, *Thomas Moſtyn*, *Humphry Dymock*, *John Eaton*, *John Saliſbury*, Eſquires.

For the County of *Glamorgan*, *William Herbert*, Sir *Thomas Lyne*, *Miles Button*, Eſquires.

For the County of *Merioneth*, *William Saliſbury* Eſquire, Sir *James Price* Knight.

For the County of *Pembrook*, Sir *Richard Philips* Baronet, Sir *Hugh Owen* Knight and Baronet.

For the County of *Montgomery*, *Arthur Price* Eſquire, *Richard Griffith*, *Edward Vaughan*, Eſquires.

For the County of *Radnor*, *Thomas Lewis*, *Robert Williams*, *Richard Jones*, Eſquires.

For the County Palatine of *Durham*, Sir *Lionel Madidſon*, Sir *Alexander Hall*, *George Lilburn*, *Clement Fulthorp*.

For the County of *Cardigan*, *Walter Loyd*, *James Lewis*, Eſquires

For the County of *Carmarthen*, *Richard* Earl of *Carberry*, *Francis Loyd* Eſquire.

For the County of *Monmouth*, Sir *William Morgan*, *Thomas Morgan*, *William Herbert* of *Colebrook*, *William Baker* of *Abergany*, Sir *Robert Cooke*, Sir *Charles Williams*, *James Kirke*, Eſquires.

Which ſaid Perſons ſo appointed and nominated, or any one or more of them, together with the Juſtices of the Peace of every Shire, County or Riding reſpectively, or any one or more of them, or the Major, Bailiffs Juſtices of the

Auguſt,
1641:

the Peace, Jurats or other Head-Officers within any City or Town Corporate or other Priviledged places,or any one or more of them reſpectively ſhall have Power, and are hereby authorized and required to do and perform all and every ſuch thing and things as ſhall be neceſſary to the due execution of this preſent Ordinance, according to the Inſtructions herewith annexed, which ſaid Inſtructions are hereby Ordered and Commanded to be duly obſerved and executed by all and every Perſon and Perſons, whom it ſhall or may appertain, as they will anſwer the contrary at their Perils, This Ordinance to continue no longer then till the end of this preſent Seſſion of Parliament.

Inſtructions to the Comiſſioners for Diſarming Popiſh Recuſants and others.

Inſtructions appointed by Ordinance of Parliament to the Perſons thereby Authorized for the Diſarming of Popiſh Recuſants, and other dangerous Perſons.

I.

SUch Members of the Houſe of Commons and other Perſons as in and by the ſaid Ordinance are particularly named and appointed, or any one or more of them, and the Juſtices of the Peace of each ſeveral County, Shire or Riding within *England* or *Wales*,and alſo the Majors, Bailiffs, Juſtices of the Peace, Jurats or other Head-Officers of or within any Town Corporate or Priviledged place reſpectively, or any one or more of them, together with ſome or one of the Perſons nominated in the ſaid Ordinance, are to ſee the ſame forthwith put in Execution, and ſhall have power to call the High Sheriff of every County and his Miniſters, all Conſtables and Tithing men, and other Officers or any of them, when and as oft as they ſhall think fit, to be aiding and aſſiſting to them from time to time within their ſeveral Limits, and Juriſdictions, in the due performance of this Service, and to do and execute all and every ſuch thing or things as ſhall be requiſite and neceſſary in that behalf, and the ſaid Members of the ſaid Houſe of Commons are reſpectively required to ſee the ſaid Ordinance forthwith put in execution.

II.

The ſaid Perſons Authorized are to inform themſelves by all convenient means and ways of all ſuch Arms, Gun-powder, and Munition of what kind ſoever, as any Popiſh Recuſants convict or other Perſons whatſoever, either of the Nobility or others, which is or ſhall be Indicted for Popiſh Recuſants, and ſuch Indictments either removed by *Certiorari* or being not removed ſhall not by appearance and Traverſe, or otherwiſe be Legally diſcharged, or which ſhall not have repaired to Church more then once in every month, or ſhall not have received the Holy Communion according to the Rites of the Church of *England* within one whole year next before the making of the ſaid Ordinance, or which ſhall refuſe to take the Oaths of Supremacy or Allegiance upon lawful tender thereof made, or whoſe Children or Grand-children or any of them being at their diſpoſe, or in the Houſe with them, are bred up in the Popiſh Religion, or have not repaired to Church within one whole year next before the making of the ſaid Ordinance according to the Laws and Statutes of the Realm, or whoſe Houſhold Servants or any numbers of them, are of the Popiſh Religion, hath or have in his or her Houſe or Houſes or elſewhere, or in the Hands and Poſſeſſion of any other to his or her uſe, or at his or her diſpoſition, and are to ſearch all ſuch places where any ſuch Arms, Gun-powder or Munition of any ſuch Popiſh Recuſant or other Perſon whoſe Arms by the ſaid Ordinance is to be taken away, is placed or depoſited, or ſuppoſed to be placed or depoſited.

III.

They are to take and Seize all ſuch Arms, Gunpowder and Munition as aforeaid, in whoſe hands or Cuſtody, or in what place the ſame ſhall be, other then ſuch Weapons as ſhall be by the ſaid Perſons ſo Authorized, thought fit to remain and be allowed to the ſaid Recuſants or other Popiſh Perſons as aforeſaid,

Auguſt, 1641.

ſaid, for the defence of his or her Perſon or Houſes, and ſhall cauſe the ſame to be placed in ſome City or Town Corporate, or other convenient Town of the ſame County, and there ſafely kept at the coſts and charges of the owners thereof, and the Armorer to be admitted to dreſs and amend the ſame ſo oft as need ſhall require.

IV.

And if any ſuch Popiſh Recuſants or other Perſons as aforeſaid, or any other Perſon or Perſons, which have or hath, or ſhall have any ſuch Arms, Gun-powder or Munition in his or their hands or Poſſeſſion to the uſe of ſuch Recuſant or other Perſon as aforeſaid, or by his, her, or their appointment, ſhall conceal the ſaid Arms, Gunpowder and Munition or any part thereof, or ſhall refuſe to diſcover the ſame to the ſaid Perſons ſo Authorized, or otherwiſe wilfully oppoſe, hinder or diſobey the ſaid Perſons Authorized, or any of them in the execution of the ſaid Ordinance, that then every ſuch Popiſh Recuſant, and other Perſon ſo offending ſhall be held a contemptuous Perſon, and be liable to ſuch further puniſhment as by the Parliament upon certificate thereof made ſhall be thought fit, and the Perſons Authorized are to certify their names accordingly: They are alſo to make Certificates to the Parliament of all ſuch Arms, Gunpowder and Ammunition, as they ſhall take or ſeize by force and vertue of the ſaid Ordinance, as alſo the Perſon and Perſons whoſe the ſame were, and from whom they were ſo taken, and in what places the ſame are found or taken, and where, and in what City, Town or Place, and in whoſe cuſtody the ſame ſhall be left or depoſited, and what Order they ſhall take concerning the ſame, and ſhall likewiſe certify what Arms and Munition they ſhall leave to ſuch Recuſants or Perſons as aforeſaid for the defence of his or her Perſon or Houſe.

V.

They are to inquire what Popiſh Recuſants have lately had any Arms or Munition taken away, by whom, and by what means, and where, and in whoſe hands the ſame remain, and to take care that the ſame be ſafely placed and kept in ſuch manner as aforeſaid, and to make Certificates thereof to the Parliament.

VI.

To take care that the ſaid Arms and Munition ſo to be Seized, and taken away by force of the ſaid Ordinance may ſo be placed and diſpoſed of, as there may not be too great a quantity thereof at the ſame time in one and the ſame City, Town or Place, but that it may be diſtributed and placed in ſeveral Towns and Places in ſuch manner and proportion as ſhall be moſt convenient for the uſe and ſafety of the Kingdom.

Tueſday, Auguſt 31.

After which it was Ordered, *That this Houſe agrees and Concurs with the Houſe of Commons in the whole Ordinance and Instructions.*

The foreſaid Ordinance and Inſtructions were appointed to be delivered privately to the Houſe of Commons to be Ingroſſed.

Exceptions taken by the Commons for the Lords ſending a Meſſage by one Perſon only.

A Meſſage was ſent by the Lords by Dr. *Bennet*, for a Conference, to let them know, the Lords deſired the Ordinance for diſarming Recuſants might be Ingroſſed, but the Houſe taking notice of it, that the Meſſage came by a ſingle Perſon, the Commons took Exceptions at it, and Mr. *Hollis* was ſent to ſignifie ſo much, and to let them know that for this time they were willing to paſs it over, only deſiring it might not be drawn into Preſident hereafter, as alſo to deſire that the Ordinance ſigned by the Speakers of both Houſes, might be printed and publiſhed throughout the Kingdom, which was done accordingly.

And the Lords by another Meſſage ſignified to the Commons, that the Reaſon why they ſent but one Meſſenger was, becauſe they had no more Aſſiſtants then preſent.

Vote for Removing the Communion Table.

A Vote was alſo paſſed for removing the Communion Table.

Reſolved upon the Queſtion, *That this Houſe holds it fit, that the Church-Wardens of every Pariſh Church or Chappel do forthwith remove the Communion Table, from the Eaſt end of the Church, Chappel or Chancel; where they ſtand Altarwiſe, and place them in ſome convenient place of the Church or Chancel, and to take away the Rails, and level the Chancels as heretofore they were, before the late Innovations.*

Theſe high Pretences againſt Innovations, Popery and Superſtition were the Witchcrafts, with which they inſenſibly drew on the undiſcerning People into the moſt deſperate and horrid Sin of Rebellion; and amongſt the reſt of theſe frightful Crimes, with which they blackned the Archbiſhop and the Clergy, this horrible Sin of Innovation was one of the moſt terrible; when the truth is, this was ſo falſe and far from being an Innovation, that whoever has travelled into the Early Regions of Antiquity, will both find the Name and Thing of Alter, very frequent among the Eccleſiaſtical Writers, and the Holy Fathers of thoſe Ages, and that ever ſince *Chriſtianity* came from under the Rod of Perſecution, and that Temples were erected for the Publick Worſhip of Almighty God, they were built after the ſame Manner and Form with our Churches; and the Holy Table was placed at the Eaſt end of them, and the indeavor of the Archbiſhop and Regular Clergy to bring in this Piece of Uniformity into the Church of *England*, was ſo far from being a Novelty or Innovation, that the Deſign of it was to reduce them to this Primitive Cuſtom and Uſage of the Primitive *Chriſtians*, ſo Ancient and Primitive, that *Nicephorus* and *Socrates* in the Eccleſiaſtical Hiſtory make mention of two Altars placed in the Weſt end of two Churches, which was then accounted a ſtrange Innovation, and directly contrary to the conſtant Cuſtom of the Church.

Wedneſday, Septem. 1

The Houſe being now ſhortly to be Adjourned for ſome time, by Reaſon the Plague begun to encreaſe, ſeveral Perſons Petitioned the Commons to be admitted to Bail, upon which

Diverſe Perſons Bailed.

It was Ordered, *That Alderman* Abel, *Mr.* Kilvert, Thomas Powlet, Charles Cotton, Edward Watkins, Lewis Kirk ſhall be Bailed, *the Principals at* 1000l. *and the Sureties each* 500l. *Bail.*

Ferris *alſo who was in Cuſtody for Breach of Priviledg, for Arreſting a Servant of one of the Members, and the Poſt-Maſter of* Ware, *who was committed to the Serjeant at the complaint of Mr.* Ruſhworth, *about Poſt-Horſes, were Ordered to be Bailed upon reaſonable Bail.*

Debate about Religion.

The Houſe alſo fell upon the Church-work again, which was to be Swept with their beeſom of Reformation, by aboliſhing Order, Decency and Government, as Superſtition and Innovation; to this purpoſe it was moved that they might conſider of what alterations and additions were to be made in the Book of Common-Prayer; whereupon Sir *John Culpeper* ſtood up and moved, that the Book of Common-Prayer might be continued and remain without alteration or addition, and that it might be obſerved and uſed with all due Reverence throughout the Kingdom. Upon which the Queſtion being put whether they ſhould proceed to the farther conſideration of this matter, the Houſe was divided upon it with the Yeas were 55, with the Noes 60, ſo it was for the preſent laid by.

This was always one great Artifice of the Party, That when there was a thin Houſe and any thing was moved which they perceived they

Septem. 1641.

ſhould not be able to Carry, to get it put off, till either the contrary Party being tired with long Sitting, were gone out of the Houſe, or that they found their own Party ſtrong enough to carry the Vote. And this the Reader ſhall find verified in a few days, and that they not only proceeded to Vote, but Authoritatively to Enact this their pretended Abolition of Innovations, without the conſent of either the King or Houſe of Lords.

The Houſe being very thin, many of the Members being gone into the Country by reaſon of the ſpreading of the Contagion, It was Ordered, *That leſt the Houſe ſhould fall for want of Forty of the Members to be preſent at the Adjournment, that there ſhould at leaſt Sixty meet the next Week to agree about the Receſs, upon which the Houſe was Adjourned till* Monday *next.*

Upon hearing the matter concerning the affront put upon the *French* Ambaſſador, It was this day Ordered by the Lords as follows.

The Order about thoſe who aſſaulted the *French* Ambaſſadors Houſe.

WHereas it appears by the Certificate of the Juſtices of Peace and by Proof of Witneſſes Viva voce *this Day at the Barr, upon full Examination of the buſineſs, That* Chriſtopher Cook, John Symons, Richard Clarke, John Bird, Gyles Philips *and* Roger Gardner, *were principal Actors in committing of the great Outrage and Aſſault upon the* French *Ambaſſadors Houſe in* Lincolns Inn *Fields, as flinging of Stones and Aſſaulting the ſaid Houſe, to the great moleſtation and diſhonor of the ſaid Ambaſſador, which this Houſe is very tender of: It is Ordered, that the Delinquents aforeſaid, ſhall forthwith ſtand committed to* New Bride-well, *there to remain, until their Maſters or ſome others ſhall be Sureties for their Good Behaviour, and that they appear at the next Seſſions for* Middleſex; *furthermore, that the aforeſaid Offenders ſhall ſtand on Pillories on* Wedneſday *next in the morning for an hours ſpace before the ſaid Ambaſſadors Houſe, without being Vailed, and ſhall publickly ask forgiveneſs upon their Knees of the Ambaſſador; after which they ſhall be whipped before the ſaid Ambaſſadors Door, and along the Fields and Streets thereabout. And Laſtly, it is Ordered, that Mr.* Long, *Mr.* Sheppard, *Mr.* Whittaker *and Mr.* Hooker *Juſtices of the Peace, together with the Sheriff of* Middleſex, *who is to put this Order in Execution, ſhall take ſpecial Care, that there be a ſufficient Guard about the Ambaſſadors Houſe to prevent ſuch Tumults, that ſo the Peace may be kept during the time of the Execution of this Order.*

The Ambaſſador being acquainted with this Order, did by the Lord Chamberlain return his humble Thanks to the Houſe for the ſame, but deſired, *That the Execution of it might be ſpared*; Whereupon it was Ordered, *That the Whipping be ſpared, and that it be ſignified to the Offenders, that it is remitted at the requeſt of the ſaid Ambaſſador.* And afterwards upon his requeſt, the Sentence was wholly remitted, they asking him Pardon upon their Knees, and they were releaſed from their Impriſonment.

Monday, Septem. 6.

The Biſhop of *Lincoln* who had formerly been ſo great a Favourite of the Commons, yet was a Biſhop ſtill, and therefore upon any little falſe ſtep contrary to their Senſe, more liable than another perſon to fall under their diſpleaſure; which happened to be upon this Occaſion: The Commons, it ſeems, had a great mind to try the *Extempore* Talent of *Marſhal* and *Burgeſs*, being men of Renown in that way of treating God Almighty and their Auditors with Prayers that were not tied to any Set

Form

Septemb. 1641.

Form, whereby the Spirit was ſtinted, and the Candle of mens Parts put under a buſhel, as the phraſe of the Times went.

The Commons offended with the Biſhop of *Lincoln*, for making a Form of Prayer for the Thankſgiving Day.

Now my Lord of *Lincoln* had, it ſeems, compiled a ſet Office, as had been Uſual upon the like Occaſions, for the Service of the Day of Thankſgiving; at this the Commons took great diſtaſt, and upon *Monday* at their firſt meeting they ſell upon this Debate, the Reſult of which was, *That this Houſe doth declare, That the Biſhop of* Lincoln *had no Power to ſet forth any Prayer to be read at the Publick Thankſgiving, and that no Miniſter ought to be ingaged to read the ſaid Prayer; and therefore the Houſe is of Opinion, and doth ſo Order, That the ſaid Prayer be not read in the Liberties of* Weſtminſter *or elſewhere; and that the Prayer be taken into Conſideration upon* Wedneſday *next, and that a Conference be deſired with the Lords thereupon.*

Conference with the Lords about the *Spaniſh* Ambaſſador's Tranſporting Soldiers.

At a Conference with the Lords ſeveral Letters were read, one from the King about four thouſand *Iriſh* for the King of *Spain*, a complaint being made to His Majeſty by the *Spaniſh* Ambaſſador of the ſtopping of Ships, which he had contracted with for their Tranſportation. The Lord *Newport* acquainted the Commons, That a Corporal of his Troop lately come out of the North, was ſpoken unto from the *Spaniſh* Ambaſſador to conduct Horſemen to *Plymouth*, and to have about three pound a man for it; and it was very highly reſented, that the *Spaniſh* Ambaſſador ſhould take upon him to levy Men here in *England* without conſent of Parliament.

Whereupon it was Ordered, *That there ſhall be a ſtop at all the Ports in* England, *to prohibit all Tranſportation of Horſe or Foot out of the King's Dominions; and that Sir* John Culpeper *and Mr.* Waller *ſhall forthwith repair to the* Spaniſh *and* French *Ambaſſadors, to know by what Authority they Treat with Officers concerning the Levies of any Men, Horſe or Foot.*

To this, upon their return, they gave the Houſe an account, *That the* Spaniſh *Ambaſſador anſwered Negatively, that he did not Treat with any whatſoever, but that a Colonel had offered his Service, but till he had His Majeſties conſent he refuſed to Treat with him: That by His Majeſties promiſes he thought himſelf in Poſſeſſion of the* Iriſh *Soldiers, and if they were taken from him, he thought they took from him that which was his own.*

It was thereupon further Ordered, *That no Merchants Tranſport any Soldiers out of any of His Majeſties Dominions, and no Ships to be cleared till they have given Security that they will not.*

The ſame Queſtion put twice in the Houſe whether Col. *Aſhburnham* & Capt. *Pollard* ſhould have their pay.

It was twice this day put to the Vote, Whether Colonel *Aſhburnham* and Captain *Pollard* ſhould have their pay, and the Houſe was thereupon divided, with the *Noes* were 49, with the *Yeas* 41. But the Friends of theſe Gentlemen taking the opportunity of the abſence of ſome of thoſe who had Voted againſt them, moved the thing a ſecond time, and upon the Debate of the Houſe they were again divided, with the *Yeas* were 29, with the *Noes* 23, ſo it was carried in the Affirmative.

Order about Lecturers.

It was alſo Ordered, *That it ſhall be lawful for the Pariſhioners of any Pariſh in the Kingdom of* England, *or Dominion of* Wales, *to ſet up a Lecture, and to maintain an Orthodox Miniſter at their own Charge, to Preach every Lord's day where there is no Preaching, and to Preach one day in every week, where there is no weekly Lecture.*

Thus did they ſet up a Spiritual Militia of theſe Lecturers, who were to Muſter their Troops; and however it only appeared a Religious and Pious Deſign, yet it muſt go for one of their *piæ fraudes*, Politick Arts, to gain an Eſtimate of their Numbers, and the ſtrength of their Party. Theſe Lecturers were neither Parſons, Vicars nor Curates, but like the Order of the Friers Predicants among the Papiſts, who run about tickleing the Peoples Ears with ſtories of Legends and Miracles, in the mean time picking their Pockets, which were the very Faculties of theſe Men; for they were all the Parliaments, or rather the Presbyterian Factions Creatures, and were therefore ready in all places to Preach up their Votes and Orders, to Extol their Actions, and applaud their Intentions; theſe were the Men that debauched the People with Principles of diſloyalty, and taught them to Worſhip *Jeroboam*'s Golden Calves, the pretended Liberty of the Subject, and the Glorious Reformation that was coming; which the Common People adored, even the Imaginary Idea of, like the wild *Epheſians*, as if it were a Government falling down from Heaven, and as they uſed to Cant it, the Pattern in the Mount, the New *Jeruſalem*, and Mount *Zion*. And in ſhort, the ſucceeding Tragedies of Murder, Rapine, Sacriledge and Rebellion, were in a great meaſure the diſmal Harveſt of theſe Seeds of Fears, Jealouſies, the Lawfulneſs of reſiſting the King's Authority in aſſiſtance of the Parliament; their long Prayers and diſloyal Sermons, their Curſe ye *Meroz*'s, and exhorting to help the Lord againſt the Mighty, which with ſuch diligence they ſowed, and with ſuch unwearied pains by preaching, as they ſaid, in Seaſon, and moſt certainly out of Seaſon, they took care to Cultivate and Improve; and whoever will take the pains to obſerve ſhall find in the thred of this Hiſtory, that theſe Hirelings were ſo far from laying down their Lives, for the Sheep, that they preached many deluded Souls out of their Lives, by a flagrant Rebellion; and were ſo far from advancing the Goſpel of Peace, that they ſounded the Trumpet for War; and always their Pulpit Harangues to the People, were the Repeated Ecchoes of the Votes, Orders, Remonſtrances and Declarations of *Weſtminſter*.

Beſides this general Order for Lecturers, there was a particular Order ſent from the Houſe to the Curate of *Farnham*, the Seat of the Biſhop of *Winton*, commanding him to admit of a Lecturer.

Wedneſday. Septemb. 8.

The Contagion of the Peſtilence, which had infected the Cities of *London* and *Weſtminſter* increaſing, there were by the agreement of both Houſes of Parliament certain Orders made to prevent the ſpreading of the Infection, which were as follows.

Orders for preventing the ſpreading of the Infection of the Plague.

(1.) *That the Bill* (Lord have mercy upon us) *with a large Red Croſs be ſet upon the Door of every Houſe infected with the Plague.*

(2.) *That all the ſtuff in the Houſe where any have been viſited with the Plague be well Ayred before they be diſcharged, or the Houſe opened.*

(3.) *The Houſe viſited with the Plague to be ſhut up, whether any perſons therein do die or not, and the perſons ſo ſhut up to bear their own charges, if they be of ability.*

(4.) *No perſon to be removed out of any infected Houſe, but by leave of the Magiſtrate.*

(5.) *If any perſon ſhall fly out of any Houſe infected with the Plague,* *at or before the death of any in the Houſe, ſuch perſons ſo flying to be purſued by Hue and Cry, and the Houſe where they ſhall be found to be, ſhut up, and they returned back to the place from whence they fled.*

(6.) *That the Decree* 40 Eliz. *Imprinted,* inter alia, *for the relief of the Poor, who are driven to live by Begging, or to be relieved by Alms, and have been taken into new erected Tenements, and divided Houſes, be taken into conſideration during the time of Infection, and the Landlords of ſuch Tenements to be rated according to the ſaid Decree, with the Pariſhioners where ſuch Buildings and Diviſions are, as if they were dwelling in the ſaid Pariſh; for that otherwiſe the ſaid Buildings will be an inſupportable charge to the Pariſh, and the poor people turned out into the ſtreets in this time of Infection.*

(7.) *That the pavements in the ſtreets be made ſufficient, and ſo continued, the Kennels kept ſweet and clean, the Soil of the ſaid Streets to be carried away, and all annoyances to be removed; and ſuch Inhabitants as ſhall refuſe to pay the reaſonable Rates Aſſeſſed on them for payment of the Scavengers, which ſhall cleanſe and carry away the Soile, be diſtrained by their Goods for the payment thereof.*

(8.) *That if any perſon ſhall turn out of their Houſes any Servant or Lodgers, being ſick, power to be given to the Magiſtrate or Officer to put them in their ſaid Houſe again, or otherwiſe the ſaid perſons to provide ſufficient maintenance for them, and upon refuſing ſo to do, being able perſons, to diſtrain the Goods of ſuch perſons, for the diſcharge, that ſhall ſo turn them out of doors.*

(9.) *If by order of the Magiſtrate, any perſons viſited, and removed out of their Houſe or Lodging to the* Peſt-Houſe, *or other place, when they be recovered and in perfect health, the ſaid Magiſtrate to have Power and full Authority to return and ſettle the ſaid perſons in their Houſes or Lodgings, from whence they were ſo taken out, without contradiction of their Landlords or any others.*

(10.) *That all ſuch Magiſtrates or other perſons that ſhall be truſted with this Service, may be enabled to do all other things neceſſary, and purſuing the Execution of theſe Orders, as occaſion ſhall require, and be out of the danger of miſconſtruction, ſeeing they hazard their particular ſafeties to provide for the Publick.*

The Conference between the Lords and Commons concerning Levies for foreign Princes, *Sept.* 9, 1641.

The Lord Privy Seal reported the Conference with the Houſe of Commons concerning Raiſing and Tranſporting Forces out of His Majeſties Dominions, where this Paper was read, Intituled,

Inſtructions agreed by the Lords and Commons in Parliament, upon the Ninth day of September, 1641. *To be ſent to the Committees of both Houſes now attending His Majeſty at* Edinburgh.

“WHereas we have received Information from you, as likewiſe from Mr. Secretary *Vane*, concerning the Complaint of the *Spaniſh* Ambaſſador about the ſtay of 4000 Men to be raiſed in His Majeſties Dominions, and Ships for Tranſporting the ſame, You ſhall in the Name of both Houſes of Parliament humbly preſent the true ſtate of proceeding in Parliament concerning that buſineſs in this manner.

Septemb. 1641.

“When His Majeſty was pleaſed to acquaint both Houſes with the deſire of the *French* and *Spaniſh* Ambaſſadors, to Tranſport Forces out of *England* and *Ireland*, His Majeſty did withal graciouſly expreſs his Reſolution not to conſent to theſe deſires without the conſent of his Parliament.

“Both Houſes have ſearch't their Journals, and find by them, that not only they never made any expreſſion of ſuch a Conſent, as they can make no ſuch, but by Order, but that both Houſes have by Vote declared their Opinions to the contrary, and have incloſed the Copy of thoſe Votes.

“That the Parliament cannot but wonder, that any perſon ſhould preſume to inform His Majeſty that they had made any ſuch Expreſſion, having made no ſuch Vote; which they conceived to be deſtructive to the Proceedings, and contrary to the Priviledge of Parliament.

“And this being the ſtate of the matter of Fact, the Parliament doth no leſs wonder, and conceives it an high injury to them, that the *Spaniſh* Ambaſſador ſhould offer a Complaint of them to His Majeſty for doing of that which, His Majeſty having referred the conſideration of the Ambaſſadors deſires to the Parliament, they could not but do without manifeſt breach of their Duties, as Councellors in this His Majeſties great Council of Parliament, for the Reaſons following.

(1.) “That the want in which Forreign States ſtand of Men is ſuch, that great uſe may be made of them by His Majeſty, and very advantageous Conditions had for them, in the making and ſtrengthening of Alliances abroad, as his Affairs and Reaſon of State may require, which will be loſt, as to ſo many, and we fear as to more, which under colour of theſe may be Tranſported, if theſe Men ſhould be thus parted with.

(2.) “That the breeding of *Iriſh* Papiſts in a Forreign War may beget Damage to that Kingdom, and Trouble to this; eſpecially ſerving under the King of *Spain*, there being already in his Dominions, and in his Armies Fugitives of that Nation, and that in great Commands over the Militia of the ſame.

(3.) That His Majeſty having ſent an Extraordinary Ambaſſador to *Ratisbone*, to demand, that in this preſent Dyet, that Juſtice be done to the Electoral Houſe, by the Houſe of *Auſtria*, and likewiſe publiſhed a Manifeſt, by advice of his Parliament, declaring that if this be not done by them (with whom how the Intereſts of *Spain* are involved and interwoven, is evident to all Men) His Majeſty will employ all ſuch Power wherewith God hath enabled him, both by his own Arms, and the aſſiſtance of all his Allies: to vindicate his Honour the Parliament conceives, That before Anſwer be made to this ſo juſt demand, it is neither Safe nor Honourable for His Majeſty to furniſh that Prince with Forces; which may be a diſheart'ning to the Proteſtant Party abroad, a weakning to His Majeſty, and a ſtrength to his Enemies, in caſe Juſtice be not done to the Electoral Houſe, which they conceive themſelves to have the more Cauſe to doubt, by reaſon of the Publication in Print of the late general Amneſty to the Excluſion of the Prince Palatine.

Whereupon it was Reſolved upon the Queſtion, *Nemine Contradicente*, *That this Houſe joynes with the Houſe of Commons herein.*

After which an Ordinance was agreed upon, not to permit any Forces to be tranſported for the Service of Forreign Princes, which was as followeth.

Thurſday, Septem. 9.

Die Jovis 9. Sept. 1641.

The Ordinance againſt tranſporting Forces into the Service of any Forreign Prince.

An Ordinance was made and agreed upon by the Lords and Commons in this preſent Parliament, concerning the Raiſing and Tranſporting of Forces of Horſe or Foot, out of his Majeſties Dominions of England *and* Ireland.

“For the Safety and Defence of this Kingdom, and for the better enabling of his Majeſty, to aid and aſſiſt his Allies abroad, It is Ordered by the Lords and Commons in Parliament, That none of his Majeſties Subjects ſhall Treat or Contract with any Forreign Prince, or State, their Ambaſſadors, Agents, or other Miniſters of any Forreign Prince or State, concerning raiſing or tranſporting any Forces, either Horſe or Foot, to be imployed in the Service of any ſuch Prince or State.

“And it is further Ordered, That it ſhall not be lawful for any Owner or Maſter of any Ships, in either of the ſaid Kingdoms, to Contract or Agree for the tranſporting of any Forces Horſe or Foot, out of theſe Kingdoms for the Service of any Forreign Prince or State; and that no ſuch Forces ſhall be Raiſed, Tranſported or Imployed, by any Perſon whatſoever in the Service of any Forreign Prince or State, without the Special Licenſe of His Majeſty, with the Conſent and Advice of the Lords and Commons in Parliament.

“It is further Ordered, That none of the Ships of any of his Majeſties Subjects of *England* or *Ireland*, which have or ſhall be imployed in the Service of any Forreign Prince, ſhall be uſed or imployed againſt any Forces, which ſhall be any where commanded by his Majeſties Commiſſion by Sea or Land, but ſuch of his Majeſties Subjects, as are in any ſuch Service, ſhall forthwith withdraw themſelves from the ſame, and refuſe to bear Arms in ſuch Caſe.

“It is likewiſe further Ordered, That whoſoever ſhall Contemn or diſobey this Ordinance, ſhall be taken to be a high Contemner of the Authority of the Houſes of Parliament, and ſhall be liable to ſuch further Cenſure as ſhall ſtand with their Honor and Juſtice in that behalf.

This Order to continue and be in Force unto the firſt Day of *November* next, and to be forthwith Printed and Publiſhed.

After which Mr. *Pym* Reports the Declaration of the Commons in Parliament made *September* 9. which was as followeth.

A Declaration of the Commons in Parliament, made *September* the Ninth 1641.

A Declaration of the Commons without the conſent of the Lords for Reformation of ſeveral Matters in the Church, *Sep.* 9. 1641.

The Knights, Citizens, and Burgeſſes of the Commons Houſe, having received many great Complaints from the ſeveral Parts of this Kingdom, of heavy Grievances upon divers of his Majeſties Subjects, by the exceſſive preſſing of ſome Matters concerning Religion, which are in their own Nature indifferent, by Pretext or Colour of the Laws now in force, and by the unlawful enforcing other things without any Colour of Law: and conſidering that a full Reformation cannot be made in this ſtreight of time, did

Septem. 1641.

for the Comfort and Eaſe of the People, frame an Order in manner following.

Die Mercurii 8. Septemb. 1641.

“WHereas divers Innovations in or about the Worſhip of God, have been lately practiſed in this Kingdom, by enjoyning ſome things, and prohibiting others, without Warrant of Law, to the great Grievance and Diſcontent of his Majeſties Subjects: For the ſuppreſſion of ſuch Innovations, and for the preſervation of the Publick Peace, It is this day Ordered by the Commons in Parliament Aſſembled, That the Church-Wardens of every Pariſh-Church and Chappel reſpectively, do forthwith remove the Communion Table from the Eaſt end of the Church, Chappel, or Chancel, into ſome other convenient Place; and that they take away the Rails, and level the Chancels, as heretoſore they were, before the late Innovations.

“That all Crucifixes, ſcandalous Pictures of any one or more Perſons of the Trinity, and all Images of the Virgin *Mary*, ſhall be taken away and aboliſht, and that all Tapers, Candleſticks, and Baſins, be removed from the Communion Table.

“That all Corporal bowing at the Name (JESUS) or towards the Eaſt End of the Church, Chappel, or Chancel, or towards the Communion Table, be henceforth forborn.

“That the Orders aforeſaid, be obſerved in all the ſeveral Cathedral Churches of this Kingdom, and all Collegiate Churches or Chappels in the two Univerſities, or any other part of the Kingdom, and in the Temple Church, and the Chappels of the other Innes of Court, by the Deans of the ſaid Cathedral Churches, by the Vice-Chancellor of the ſaid Univerſities, and by the Heads and Governors of the ſeveral Colledges and Halls aforeſaid, and by the Benchers and Readers in the ſaid Innes of Court reſpectively.

“That the Lords Day ſhall be duly obſerved and Sanctified: All Dancing, or other Sports, either before, or after Divine Service, be forborn and reſtrained; and that the Preaching of God's Word be permitted in the Afternoon, in the ſeveral Churches and Chappels of this Kingdom, and that the Miniſters and Preachers be encouraged thereunto.

“That the Vice-Chancellors of the Univerſities, Heads or Governors of Colledges, all Parſons, Vicars, Church-Wardens, do make Certificates of the performance of theſe Orders: and if the ſame ſhall not be obſerved in any of the Places aforementioned, upon complaint thereof made to the two next Juſtices of Peace, Mayor, or Head Officers of Cities or Towns corporate, It is Ordered that the ſaid Juſtices, Mayor, or other Head-Officer reſpectively, ſhall examine the truth of all ſuch Complaints, and certifie by whoſe Default the ſame are committed; All which Certificates are to be delivered in Parliament before the thirtieth of *October* next.

AND did upon the eighth of September, *in a Conference with the Lords, deſire their Lordſhips to Conſent unto it, and to joyn with them in the Publiſhing thereof, whereunto they never received Anſwer, but contrary to their Expectation upon this preſent ninth of* September, *being the Day intended for the Receſs of both Houſes, they received in a Conference from*

from their Lordſhips, an Order dated January *the ſixteenth* 1640. *In theſe Words.*

Die Sabbati 16. Januarii 1640.

“IT is this day Ordered, by the Lords Spitual and Temporal in the High Court of Parliament Aſſembled. That the Divine Service be performed as it is appointed, by the Acts of Parliament of this Realm: And that all ſuch, as ſhall diſturb that wholſome Order, ſhall be ſeverely Puniſhed according to the Law: And the Parſons, Vicars and Curates in the ſeveral Pariſhes, ſhall forbear to introduce any Rites or Ceremonies that may give Offence, otherwiſe then thoſe that are eſtabliſhed by the Laws of the Land.

And one other of this preſent ninth of September, *In theſe Words.*

Reſolved upon the Queſtion this ninth of September, 1641.
That the oboveſaid Order ſhall be Printed and Publiſhed.

“DEſiring that the Commons would joyn with them in publiſhing thereof, which being preſented to the Houſe of Commons, it was thought unſeaſonable at this time to urge the ſevere Execution of the ſaid Laws: Whereupon it was voted, that they do not conſent to thoſe Orders, or either of them.

“And they have thought fit to make this Declaration, that it may be underſtood, that the laſt Order of the Lords was made with the Conſent only of Eleven Lords, and that nine other Lords then preſent did diſſent from it; ſo that it may be ſtill hoped, when both Houſes ſhall meet again, that the good Propoſitions and Preparations in the Houſe of Commons, for preventing the like Grievances, and reforming the Diſorders and Abuſes in Matters of Religion, may be brought to perfection: Wherefore they expect that the Commons of this Realm, do in the mean time, quietly attend the Reformation intended, without any tumultuous Diſturbance of the Worſhip of God, and Peace of the Kingdom.

The Declaration being read it was
Reſolved upon the Queſtion, *That the Houſe doth Aſſent to this Declaration.*

Reſolved, &c. *That this Declaration be forthwith Printed and Publiſhed.*

Ordered, *That this Declaration, when it ſhall be Printed, ſhall be brought to the Committee that is appointed to ſit during the Receſs, to take Care for the diſperſing them.*

This having been carried up to the Lords for their Concurrence, the three firſt Heads wered debate, and it was Reſolved,

(1) *That where there are Railes already, they are not to be removed with the Communion Table, but where there are none, they ſhall not be inforced upon any; and that all Steps in the Chancels raiſed towards the Altar within theſe fifteen Years laſt paſt, ſhall be levelled.*

(2) *That Crucifixes, Scandalous Pictures of any of the Perſons of the Trinity, are to be aboliſhed without Limitation of the time ſince their Ere-*

ction, and all Images of the Virgin Mary, *that have been ſet up within* 20 *years to be aboliſhed.*

(3.) *For the Ceremony of bowing at the Name of Jeſus, it ſhall not be enjoyned nor prohibited to any Man.*

Ordered, *That the reſt of the particulars ſhall be conſidered to morrow morning, being* September *the Ninth.*

Committee of Lords during the Receſs.

It was Ordered, *That theſe Lords following,* viz. *L. Keeper, L. Privy Seal, L. Chamberlain, E.* Warwick, *E.* Clare, *E.* Denbigh *and E.* Cleeveland *ſhall have Power from this Houſe to joyn with a Select Committee of the Houſe of Commons, to receive and open the Letters which ſhall, in the time of the Receſs, come from the Committee of both Houſes out of* Scotland, *and to return Anſwers according to Inſtructions given to the Committees already; and to have Power to recal the ſaid Committees in* Scotland, *when they ſhall think fit, and to aſſiſt about disbanding of the Army, and removing the Magazine at* Berwick *and* Carliſle, *and ſending down Mony to the Army if need be; and that theſe Lords Committees are to make report of the ſame to this Houſe at the next meeting: And laſtly, To give notice to the ſaid Committees in* Scotland, *to direct their Letters to the L. Keeper.*

Order about the Biſhops who were Impeached.

It was alſo Ordered, *That the Lords the Biſhops, that now ſtand Charged in this Houſe, by Impeachment from the Houſe of Commons, concerning the making of the late Canons,*&c. *ſhall put in their Anſwers to the ſaid Impeachment the Tenth day of* November *in the morning.*

After which the Houſe was Adjourned till the 20*th* of *Oct.* 1641.

Now that the Reader may more clearly underſtand this matter, it is to be remembred that the Houſe of Lords, in a full Houſe, having obſerved, and complaint having been made of the Tumultuous behaviour of the Sectaries in divers places, affronting the Publick and Eſtabliſhed Liturgy, and the Clergy in the Miniſtration of it, had made this firſt Order of the 16*th* of *January* 1640, which the Commons had then never ſo much as excepted againſt; and therefore during the Receſs they Judged it convenient, for the preventing the like diſorders, to repeat the ſame Order by the ſame Authority, and therefore it was

Reſolved upon the Queſtion, *That the Order of the* 16*th of* January 1640, *ſhall be Printed and Publiſhed.*

The Lords Aſſenting were,

Lord Biſhop of *Lincoln*,
Lord *Mowbray*,
Lord *Wentworth*,
Lord *Cleeveland*,
Lord *Dunſmore*,
Lord *Dover*,
Lord *Denbigh*,
Lord *Portland*,
Lord *Carnarvan*,
Lord *Coventry*,
Lord *Newark*.

But there were ſeveral Lords who diſaſſented to the Printing and Publiſhing it, without firſt having a Conference with the Houſe of Commons, which the other Lords thought not neceſſary in regard it was but the Reviving of a former Order, the diſſenting Lords therefore deſired to enter their diſaſſent, which they did in this manner.

WE whoſe Names are underwritten, having before the putting of the Queſtion demanded our right of Proteſtation, do accordingly make our Proteſtation, That we held it fit to have the conſent of the Houſe of Commons, in thoſe things which ſo nearly concern the Quiet and Government of the Church; and therefore we deſired to have a Conference with the Houſe of Commons before any concluſive Order were Printed or Publiſhed herein; eſpecially the Houſe of Commons having lately brought to us, and deſired the conſent of our Houſe, unto certain Votes of theirs, againſt certain Innovations in or about the Worſhip of God, lately practiſed in this Kingdom without Warrant of Law.

Therefore to quit our ſelves of the Dangers and Inconveniences that might ariſe by the Printing and Publiſhing of the ſaid Order of the 16*th of* January, *as binding to the whole Kingdom, without deſiring the Houſe of Commons their conſent, we did proteſt our diſaſſent to this Vote, and do thus Enter it as aforeſaid.*

The Proteſtation of the Lords who were againſt Printing the Order of 16 *January*, 1641. It ſeems the Commons did not think the Conſent of the Lords neceſſary to their Declaration.

Lord *Bedford*,
Lord *Warwick*,
Lord *Kimbolton*,
Lord *Newport*,
Lord *Wharton*,
Lord *Clare*.

Happy it was for the Biſhops that only the Biſhop of *Lincoln* of all the Biſhops was then preſent at the Houſe, and Aſſenting to this Vote, otherwiſe the whole Nation had Rung of it, that they were the only Obſtructors of the intended Reformation, and would have furniſhed their Enemies with one Argument more for the Extirpation of the Hierarchy Root and Branch.

This Specimen one would have thought might have opened the Eyes of theſe Lords, and the whole Nation, to ſee what this Faction of the Houſe of Commons aimed at, which was, after all their pretenſions to the contrary, to diveſt the King of all his Supremacy, and the Lords of their Juriſdiction, to make their Votes equivalent to, and as obliging as the Laws; which were confirmed and made ſo by the Impreſs of the Royal Aſſent: But here certain things were impoſed by the Commons, without ever concerning themſelves about the King's Aſſent, and againſt the Aſſent of the Lords Houſe, for the Allegation of the ſmall number of the Lords at this Vote was to no purpoſe, ſince they were the Majority of the Lords that were preſent, and at that time when this Declaration paſſed the Commons, as appears by the Diviſion of the Houſe upon Colonel *Aſhburnham*'s Vote, the Houſe of Commons was far thinner in proportion then the Lords; inſomuch that for fear the Houſe ſhould fall for want of Fourty Members, there was an Order, That ſixty ſhould appear upon the day of Adjournment for the Receſs.

This was alſo deſigned as a further way of Diſcrimination of their Friends and Enemies, for whoever of the Clergy eſpecially, ſhould not think themſelves obliged to obſerve theſe Orders, which no Man could, that knew they were not the Laws of the Land, was ſure to be certified, if not by the Church-Warden and Officers, yet certainly by the informing Sectaries, who were very diligent in ſpringing Game for the Committee and Sub-Committees for Religion, the Miniſters Remonſtrance, and for Scandalous Miniſters, Mr. *White*'s, Mr. *Corbet*'s, Sir *Robert Harlow*'s and Sir *Edward Deering*'s Committees: And then theſe Godly Informers muſt be gratified for their Petitions, Informations, and ſuch like good

Sept. 1641.

good Service to the Common-Wealth, by the Impriſonment, Scorn and Contempt, Charges, and many times utter Ruine of the truly Loyal and Orthodox Clergy of the Church of *England.* And whoever will take the pains to Rake in that Libel of Mr. *White*'s, called, *The firſt Century of Scandalous Malignant Prieſts*, will find that the greateſt Crimes which many of the Clergy were Accuſed for, and turned, they and their Families, naked to the wide World, were the diſobeying this Order.

For Bowing at the Name of Jeſus, *Examples* 33 *and* 43.
For ſetting up the Name of Jeſus in the Church, *Ex.* 72.83.
Preaching againſt Sacriledge, *Ex.* 22.
Bowing the Body in God's Houſe, *Ex.* 7.

But to return to the Houſe of Commons after the Voting of this Declaration, they fell upon the buſineſs of the Receſs, and preparing Inſtructions for the Committee which was to Sit during the time of the Adjournment. And

The ſtanding Committee during the Receſs of the Parliament.

Mr. *Pym*,
Sir *Gilbert Gerrard*,
Sir *John Franklin*,
Sir *John Culpeper*,
Mr. *Wheeler*,
Sir *Henry Mildmay*,
Mr. *Bridgman*,
Sir *Thomas Bowyer*,
Sir *Thomas Barrington*,
Sir *Edward Hales*,
Sir *William Litton*,
Sir *Richard Cave*,
Mr. *Robert Goodwin*,
Sir *Samuel Luke*,
Mr. *Wingate*,
Sir *Robert Pye*,
Alderman *Soams*,
Alderman *Pennington*,
Captain *Venn*,
Mr. *Vaſſal*,
Lord *Falkland*,
Capt. *Rainsborough*,
Mr. *Bence*,
Sir *Peter Wroth*,
Sir *John Holland*,
Mr. *Winwood*,
Mr. *John Goodwin*,
Sir *Thomas Dacres*,
Mr. *Morley*,
Mr. *Henry Martin*,
Mr. *Arthur Goodwin*,
Sir *John Clotworthy*,
Mr. *White*,
Mr. Sollicitor,
Mr. *Spurſtow*,
Mr. *Laurence Whitacre*,
Serjeant *Wild*,
Mr. *Strode*,
Sir *Henry Vane*,
Mr. *Glyn*,
Sir *Symon D'Ewes*,
Sir *William Drake*,
Mr. *Beddingfield*,
Sir *Gilbert Pickering*,
Mr. *Blakſton*,
Mr. *Waller*,

were appointed to be a Committee during the Receſs.

Directions for the Committee during the Receſs.

This Committee to meet on Saturday *next in the* Exchequer-Chamber *at Nine of the Clock in the Fore-noon: and they are to meet every* Tueſday *and* Saturday *in every Week, and at ſuch other times as they think fit during the Receſs; and they or any Six of them have power to meet with the Commiſſioners of the Lords appointed during their Receſs, at ſuch times as they ſhall appoint.*

They have Power to receive, open and anſwer ſuch Letters as come from the Committee in Scotland *according to former Inſtructions and Orders of this Houſe.*

To take Care that the Orders of this Houſe be punctually obſerved concerning

Sept. 1641.

cerning Disbanding the Army, Train of Artillery and Garriſons, and for the Iſſuing and ſending down of Money to thoſe purpoſes.

To Recall the Committee in Scotland, *if they ſee Cauſe.*

To go on in preparation of Proceedings againſt the Principal of ſuch Delinquents, as are already Voted or Complained againſt, and to report.

Upon any Informations of Riots or Tumults, to have Power to ſend to all Sheriffs, Juſtices of Peace, and other Officers, to ſtir them unto their Duties in repreſſing them, and to report.

To Examine the Entries of the Clerks Books, and that the Committee may not miſtake any paſt Actions of the Houſe, a Clerk to be left there with the Books.

To take Care of the Preparations for his Majeſties Revenue, and to take into Conſideration any Accounts to his Majeſty.

To go on in proſecution of the Conſideration of a Weſt-Indian *Company.*

To take into Conſideration the Fiſhing upon the Coaſts of England, Scotland *and* Ireland.

To take into Conſideration the Reſolutions of the Abuſes in Exchange and Tranſporting of Money, and the Regulating of the Par *between this and other Nations.*

To prepare the Iriſh *Laws depending, to be either at the Acceſs tranſmitted to the Lords, or recommended to the* Iriſh *Parliament.*

To conſider about Sal Petre *and Gunpowder.*

To ſend for any Perſons, Writings and Records.

To prepare a Diſcharge for the Earl of Warwick, *according to thoſe Acquittances he hath given concerning the* Northern *Counties.*

After which the *Speaker* deſired he might have leave to go into the Country during the Receſs; which being granted, the Houſe was Adjourned till *October* 20. at Eight of the Clock in the Morning.

Happy had it been for *England* had they never met again to be the Authors of the moſt Diſmal Tragedy that ever was Acted upon the Theatre of *England*; but Providence, whoſe Wiſdom is unſearchable, had Ordained them to be a Scourge to a People Wanton with Long Peace, Eaſe, Plenty, and Even Religion it ſelf.

Wedneſday, Octob. 20.

The day to which the Parliament was Adjourned being now come, both Houſes met, And the Lords being ſate in their Houſe, and divers of them obſerving the Palace Yard full of Armed Men, it was moved, That it might be known upon what Grounds and Reaſons the Trained Bands of *Weſtminſter* were in the Old and New Palaces aſſembled. The Lord Chamberlain being Captain General of the *South* Parts of this Kingdom during the King's abſence in *Scotland* by Command of the Houſe, ſignified, That his Lordſhip *received a Deſire from the Committee of the Houſe of Commons which ſate during the time of the late Receſs, that there might be a Guard of Souldiers about the Parliament, to prevent the Inſolence and Affronts of Souldiers at this time about the Town, and to ſecure the Houſes againſt other Deſigns which they have reaſon to ſuſpect, untill the Parliament meets and gives further Order therein.*

The Parliament takes a Guard of the Trained Bands of *Weſtminſtr.*

Hereupon it was Ordered, *That the Lord Chamberlain ſhall by virtue of this Order continue a Guard of Souldiers, to guard the Parliament Houſes until the further Pleaſure of the Parliament be known; and that the Number of the ſaid Soldiers ſhall be wholly left unto the diſcretion and management of the ſaid Lord Chamberlain Captain General.*

After

Sept. 1641.

The Conſpiracy in *Scotland*.

After this the Lord Keeper informed the Houſe, That he had received a Letter from the Lord *Howard* in *Scotland* dated the 14*th* of *October*, which was read, declaring, *That upon* Monday *Night then laſt, there fell out a great Interruption in the Buſineſs there, by reaſon of an Information given to the Marquiſs of* Hamilton, *the Earl of* Argyle, *and the Earl of* Lannerick, *That there was a Deſign to ſeize upon their Perſons that Night, whereupon they removed their Lodgings, and ſtayed in the City all Night, and relation being made hereof the next day to the Parliament, the Earl of* Crawford, *Colonel* Steward, *and Colonel* Cockram *were reſtrained; and after a further Examination, his Lordſhip will give this Houſe a further Information.*

Mr. *Pym*'s Report of what was done during the Receſs.

The firſt thing that was done in the Houſe of Commons, Mr. *Pym* Reports what was done during the Receſs.

It was deſigned for a Snare for the Loyal Clergy.

“THE firſt thing we had in Charge was concerning the Declaration of the Houſe about Innovations, the Committee have ſent divers of them into the Country, and have found that in ſome places where there were good Miniſters, they were Entertained, and in ſome other places they were neglected, but for the moſt part, it is by thoſe that have been queſtioned here for other Matters.

“The Committee took into Conſideration the Intention of the Houſe concerning the publiſhing of the Declaration, therefore they gave Directions to require the publiſhing thereof in Churches, and that the Churchwardens might ſee the Execution thereof. Some Particulars concerning this will come in a Special Report, which I ſhall now only touch upon in General, in regard of the Great Importance of the Buſineſs firſt to be conſidered of this day, touching the Troubles of *Scotland*, of which I ſhall give you an account.

“The next thing the Committee did take into Conſideration, was the Correſpondency with the Committee in *Scotland* in receiving Letters from them, and ſending Anſwers to them; I ſhall not need to produce their ſeveral Letters now, it will take up too much time, but the chief Point was touching the Disbanding of the Army and two Garriſons of *Berwick* and *Carliſle*: for *Carliſle*, it is totally Disbanded, and the Soldiers ſent into *Ireland* to be placed there as they were before in the King's Army; for we did conceive it Fitter thoſe new men now in the King's Army there ſhould be diſmiſſed, and theſe that were formerly taken from thence ſhould be entertained again, for we hear a good report of their Carriage at *Carliſle*.

“For the Garriſon at *Berwick*, that required longer time of Conſideration at the Committee; for beſides the demoliſhing of the Works, which was much preſſed by the *Scots*, and ſeconded by a Letter from his Majeſty out of *Scotland*, there was a want of Money, yet the Committee got ſufficient to Disband all, and ſent it down, and becauſe the *Scots* Commiſſioners deſired to know a certain day of our Disbanding, and then they would upon knowledg of that disband their Forces; whereupon the Committee ſet down the 15*th* of *October* to be the laſt day of Disbanding; and the Letter yeſterday received from Sir *Michael Ernley* ſhows that he hath Money enough to disband all, and that the Horſe are disbanded, and Five Companies of Foot, and that on *Friday* laſt the other Companies of Foot had been disbanded, but that a Letter came from Sir *Henry Vane* in his Majeſties Name, requiring to ſtay the disbanding of the reſt till further Order;

“ of which you ſhall hear more when I come to that part of my Report.

“ For the Arms and Ammunition at *Carliſle*, the Committee gave Order for the ſafe laying of them up to be well kept, till the next Spring, that it be more Seaſonable to ſend for them away, they being now five or ſix miles from the Sea ſide, which would have taken now much time to have ſhipped them, and Sir *George D'alliſton* and other Members of the Houſe are deſired to take care of the ſafe keeping it in the mean time.

“ For the Ammunition at *Berwick*, the Committee have ſent ſix Ships to Tranſport the ſame to the *Tower*, and agreed with them for a certain Sum for the doing thereof within ſuch a time; and if they ſtayed longer, to have ſo much *per diem* for demurrage.

“ The next thing we took into Conſideration at the Committee was concerning Tumults, though we cannot ſay any great Tumults, yet there were ſeeds ſown which might have occaſioned ſome in the Execution of the Order of the Houſe touching Innovations: but I ſhall make a particular Report of thoſe Pariſhes where they were at blows and likely to come to blows, if the Committee had not ſought the prevention of it, which was the Ground why the Committee entertained their Petition.

“ There was another like Trouble and ſign of Tumult by the frequent reſort of Troopers to Town, and to the Committee, who delivered in Thirty Petitions to the Committee in their own Names, and the Names of other diſcontented perſons in the Army: We could not refuſe to accept their Petitions, leſt they ſhould grow to Tumults; and of their Complaints and the Nature of them, I ſhall give a particular Report; but the Committee Voted nothing concerning them. It will be very fit to reſolve ſomething concerning them, that they may depart the Town, for under the name of the Soldiers many Robberies are done: which occaſioned the Committee to give Order, *That all of them that deſire to have Paſſes to go beyond Sea, might have the ſame*: But this would not ſerve their turn, unleſs they might have liberty to receive pay here, to go in Companies, under Commanders, to the Service of Forreign Princes, which the *Committee* could not give way unto, in regard of the Ordinance of both Houſes to the contrary.

See here a Committee Exerciſe more power than they would allow the King, and a pretty Evaſion of the Order of Parliament in giving ſingle Paſſes, by which 20000 Men might have been as Eaſily Tranſported as 200.

“ There is another Head the *Committee* had in Charge concerning the King's Revenue. All that we could do in that, which I did by the direction of the *Committee*, was to take Care for a Ballance touching the ſame, and accordingly I ſpake with the King's Officers about it, and a Ballance will be ready when you ſhall pleaſe to call for it.

“ The next was concerning the Exchange beyond Sea; I think for that there will be a good return made for the Benefit of the Commonwealth.

“ Another thing was concerning the *Iriſh* Petitions; but the Gentleman that uſed to be in the Chair for *Iriſh* affairs, Mr. *Whiſtler*, was out of Town, and had moſt of their Petitions with him, ſo we could do nothing; only one Mr. *Cope* and Mr. *Lomach* who had long attended, had their Caſe made known to the *Committee*, the one deſiring to have two Witneſſes Examined upon a Petition here depending, who are ready to go to Sea: and the other Mr. *Cope* of *Engliſh* Parents

October, 1641.

rents and great Family, is a Petitioner for recovery of an Eſtate of great Value, which he conceives hath been long kept from him wrongfully, and deſires that a *Committee* may but conſider of the Depoſitions already taken touching the ſame in ſeveral Courts of Record, Whether theſe be not juſt Cauſe for him to have Relief and matter of Ground to proceed on in his Petition; and if not, he will deſiſt in Petitioning the Houſe.

“ Next thing in Charge was concerning the Delinquents; in that we made but a ſmall progreſs, for we had a deſire to have perfected the Charge againſt my Lord Archbiſhop of *Canterbury*; but in regard thoſe of the Long Robe of the *Committee* were for moſt part abſent, we could not proceed therein.

“ Next there came to me to my Lodgings at *Chelſey* Sir *John Berkley*, and Sergeant Major *Oneal*, who ſaid, *That they were accuſed, and had raſhly withdrawn themſelves, but upon better conſideration they were returned to ſubmit to the Pleaſure of the Houſe.* I thought it my Duty to make ſome Privy Councellor acquainted therewith, whereupon I went to my Lord *Wilmott* with them, who undertook they ſhould attend the *Committee* the next Sitting; which they did accordingly, and in purſuance of the Order and Warrant of the Houſe for the apprehending of them, they were both attached by the Sergeant's Deputy: ſo the Houſe may be pleaſed to ſend for them, and to do therein as they ſee Cauſe.

“ For the Letters laſt received out of *Scotland* from the *Committee*, they ſpeak of ſomething intended to be done there upon the Perſons of divers Lords of *Scotland*; and in regard ſome of the Parties ſuſpected to have a hand in that Deſign are ſuſpected to be Papiſts, the *Committee* did conceive it might have Correſpondence with the like Party here, and therefore Commanded me Yeſterday to write to my Lord Mayor of *London* to place convenient Guards in ſeveral places of the City, till he received further Directions from the Parliament; and the like to the Juſtices of the Peace for *Middleſex*, *Weſtminſter* and *Southwark*, and to obſerve ſuch further Directions, as they ſhould receive from the Earl of *Eſſex*, who in his Majeſties Abſence is appointed General on this ſide *Trent*.

“ I forgot to Report one thing, That upon *Tueſday* laſt was Sevennight, the *Committee* here agreed, and ſo Ordered, That the *Committee* of *Scotland* ſhould, unleſs they ſee cauſe to the contrary, return home; and leſt our Letter might miſcarry, Commanded me to ſend an Expreſs Meſſenger to them; and I did ſo, and writ alſo, by the Weekly Poſt, of our Order, as alſo of the Lords Order for their Commiſſioners to come home: The Party I ſent, who was commended to me for a very honeſt man, ſhould have been there on the *Monday* following, which he Eaſily might have done, if he had been well; but on *Friday* laſt he was not come to *Edinburgh*, neither could he be heard of in all the Road; ſo that we may juſtly fear ſome miſfortune is befallen him, that he is knocked on the head, and his Letters taken from him.

Sir *John Berkly* and Mr. *Daniel Oneal* committed.

After this Sir *John Berkley* was by Order of the Houſe committed Priſoner to the Tower, and Sergeant-Major *Oneal* to the *Gate-Houſe*.

Then

October.
1641.

Heads of a Conference about the Conſpiracy in *Scotland*.

Then Mr. *Pym* reports Heads for a Conference with the Lords; the Letter from the Committee in *Scotland*, of the 14*th* of *October* to be read, *That there was a deſign of the like nature in this Kingdom, to ſeduce the King's Army to interrupt the Parliament here, and the like deſign at the ſame time in* Scotland; *the principal Party in* Scotland *ſuſpected to be Popiſhly affected, and therefore may have Correſpondence with the like Party here: That it hath been lately publiſhed here, that ſome things were to be done in* Scotland, *before it broke out there, and therefore we may ſuſpect ſome Correſpondency here: Upon theſe Grounds to propoſe to the Lords, that ſtrong Guards be kept in the Cities of* Weſtminſter *and* London.

Secondly, *That care may be taken for the future, for the defence of the Kingdom.*

The next great ſtep theſe Men had before them was the Power of the Sword, the Command of the Militia of the Kingdom; which under the notion of putting the Kingdom into a Poſture of Defence, they thought by Artifice to have gained from the King, and to put out of all Places of Power and Truſt thoſe whom they knew to be their Enemies, or ſuſpected might oppoſe their Anti-Monarchical Deſigns, and to fill the Vacancies with thoſe of their own Party: for if they could gain this point, they aſſured themſelves of Impunity for the future, and the eaſie accompliſhment of their great Affairs; and therefore they not only laid hold of all occaſions, which might Countenance this Attempt, but found out many Dangers and Imaginary Fears and Jealouſies which had no other Foundation but their own Politick Fancies.

Before we proceed any further, in regard Mr. *Pym*'s report of what was done during the Receſs is very conciſe, I will give the Reader an account of ſome paſſages which I meet with in the Prints which then went abroad, by which he may ſee what effect this Declaration of the Houſe of Commons had upon the Affairs of the Church, and how quietly and without Tumultuous diſturbances, the Godly Party did, according to the laſt Clauſe of the Declaration, attend the intended Reformation.

An Innovation of 80 years ſtanding.

For at St. *Giles*'s *Cripple-Gate*, the Sectaries, and the Orthodox were got almoſt to Daggers drawing, the one about Executing the Order of the Houſe of Commons, the other for preſerving their Church in its ancient condition, with the Rails about the Communion Table: But in the End, it ſeems the Church was for that time ſecured; and the Church-Wardens and Pariſhioners preſented a Petition to the Committee, that the Rails about the Communion Table might not be taken away, ſetting forth among other Reaſons, for that they have been placed ſo near upon Fourſcore years, and the neceſſary Uſe, Decency and Convenience of them in the Adminiſtration of the Holy Sacrament. But notwithſtanding this Preſcription to their quiet Poſſeſſion, they were by the Committee condemned as an Innovation, and the Petitioners were referred to the Order of the whole Houſe upon it, and diſmiſſed with a menace to ſubmit unto it, or to anſwer their contempt at their Peril.

Upon *Tueſday* the 5*th* of *October*, a complaint was made againſt a Church-Warden, and ſome others of the Pariſh of St. *George*'s in *Southwark*, for ſome reſiſtance made by them about the Rails taking down which were about the Communion Table, and they were ordered to attend the Committee on *Friday* following; for where the Zealous Re-

October, 1641.

formers were not ſtrong enough to execute the Order by Force and Violence, Rudeneſs and Tumult, they had ever recourſe to the Trade of Informing.

But where they had ſtrength, there they carved out their own ſatisfaction, breaking down the Carved work of the Houſes of God with Axes and Hammers, and in St. *Mary Wool-Church, London,* not content to pull down the Rails, they fell upon the Eaſt Window, which was fairly beautified with Painting of ſeveral Hiſtories of the Bible, and in the height of their Zeal againſt Innovations, made bold to exceed the Limits of the Commons Declaration, utterly defacing and beating it in pieces, as they did ſeveral other Monuments of Antiquity in that Church.

Complaint was made again Dr. *Heywood* of St. *Giles*'s Church, for not ſuffering the Order to be read in his Church, upon which he was Ordered to attend upon the Committee upon *Saturday* following.

There was likewiſe a Petition delivered againſt Mr. *Booth* Miniſter of St. *Botolphs Alderſgate,* for not permitting the Rabble of Sectaries to pull down the Rails, &c.

Another Petition was preferred againſt Dr. *Fuller* Dean of *Ely,* for oppoſing the Order about Lecturers, the Zealots being deſirous to ſet up Mr. *Sedgewick,* a Factious Miniſter, to preach a *Thurſday*-Lecture in his Pariſh.

The Trained-bands raiſed to Guard the Parliament.

This day the whole Trained Bands of *Weſtminſter* attended all the day long in Arms, in the Palace Yard, till both the Houſes roſe; when they received Directions from the Earl of *Eſſex* to divide their whole number, being about 500 Men into four parts, for that it would be too hard duty for the whole Band daily to attend, and alſo to watch by Night, therefore one hundred might attend for the Day, and be relieved at Night for a *Corps du Guard,* and by this means they might alternatively be eaſed.

Thurſday, October 21.

The Commons reaſſumed the Debate concerning the Danger of the Times, and Ordered that another Head of the Conference with the Lords ſhould be to move, *That an Expreſs be ſent to the Committee of both Houſes in* Scotland, *to let them know, That the Parliament takes well the Advertiſement, and that they conceive the Peace of that Kingdom concerns the Good of this Kingdom; and that if there be any Tumult to oppoſe the Acts Confirmed by both Kingdoms, and that his Majeſty will Command any Aſſiſtance to Suppreſs them, that both Houſes will be ready to maintain his Majeſty in his Greatneſs, and to ſuppreſs thoſe that are diſturbers of the Peace.*

It was alſo further deſired at the Conference, That Sir *John Berkley* and *Daniel Oneal,* who had rendred themſelves to the Committee during the Receſs, might be Examined by the Lords in the ſame manner, as the others who were ſuſpected of the Confederacy, had been; and it was particularly Ordered by the Lords, *That Sir* John Berkley *be Examined concerning what he reported of the Lord Admiral's Advice to him to come over into* England, *he being fled upon a ſuſpition of having a hand in the late Treaſon of bringing up the* Northern *Army againſt the Parliament.*

A Complaint was brought into the Houſe againſt the Curate and ſome Pariſhioners of *Cripplegate,* for not obeying the Order of *Sept.* 8th for Reformation; Upon which occaſion, Sir *Edw. Deering,* whom for his laſt Speech the Faction began to diſlike, ſpake as follows.

Mr. *Speaker,*

October, 1641.

Sir *Edw. Deering*'s Speech about the Order of the 8th of *September*, *Oct.* 21. 1641.

Mr. Speaker,

IT is very true (as is inſtanced unto you) that your late Order and declaration of the eighth and ninth of *September*, are much debated and diſputed abroad: perhaps it may be a good occaſion for us to re-diſpute them here.

The intent of your Order, to me, ſeems doubtful, and therefore I am bold for my own inſtruction, humbly to propound two Quæres.

1. How far an Order of this Houſe is binding?
2. Whether this particular Order be continuant or expired?

Your Orders (I am out of doubt are powerful) if they be grounded upon the Laws of the Land. Upon that warranty, we may by an Order, enforce any thing that is undoubtedly ſo grounded: and by the ſame Rule we may abrogate whatſoever is introduced contrary to the undoubted foundation of our Laws:

But Sir, this Order is of another nature, another temper: eſpecially in one part of it. Of which (in particular) at ſome other time.

Sir, There want not ſome abroad, men of Birth, Quality, and Fortunes; ſuch as know the ſtrength of our Votes here as well a ſome of us: (I ſpeak my own Infirmities) men of the beſt worth, and of good affiance in us, and no way obnoxious to us: They know they ſent us hither as their Truſtees, to make and unmake Laws. They know they did not ſend us hither to Rule and Govern them by Arbitrary, Revocable, and Diſputable Orders: eſpecially in Religion: No time is fit for that, and this time as unfit as any. I deſire to be inſtructed herein.

Mr. Speaker, in the ſecond place, there is a Queſtion whether this Order (whereupon your preſent complaint is grounded) be permanent and binding, or elſe expired, and by our ſelves deſerted.

I obſerve, that your Order being made the eighth of *September*, in hope then of concurrence therein by the Lords; that failing, you did iſſue forth your laſt reſolution by way of declaration the ninth of *September*, wherein thus you expreſs your ſelf. ——*That it may well be hoped, when both Houſes ſhall meet again, that the good propoſitions and preparations in the Houſe of Commons, for preventing the like grievances, and reforming the diſorders and abuſes in matter of Religion, may be brought to perfection: wherefore you do expect that the Commons of this Realm do in the mean time*——(What? obey and perform your Order made the day before? No ſuch thing: but in the mean time) —*quietly attend the Reformation intended.*

Theſe are your words, and this my doubt upon them: whether by theſe words you have not ſuperſeded your own Order. Sure I am, the words do bear this Sence, and good men may think and hope it was your meaning.

My humble Motion therefore is this: I beſeech you to declare, that upon this our Re-convention, your Order of the eighth of *September* is out of Date: And that the Commons of *England* muſt as you ſay quietly attend the Reformation intended, which certainly is intended to be perfected up into Acts of Parliament. And in the mean time that they muſt patiently endure the preſent Laws, until you can make new or mend the old.

Friday, Octob. 22.

The Commons fell again upon the Impeachment of the Biſhops, and a Meſſage being ſent to the Lords to deſire they might be put to a ſpeedy Anſwer; the Tenth of *November* was given the Biſhops for a day to give in their Anſwer to the Charge.

A Letter was then read in the Houſe which was to be ſent to the Committee in *Scotland*. Which was as followeth:

The Letter to the Committee in *Scotland*.

THE *Advertiſement which you have given in your Letters of the 14th of this Month, concerning the Deſigns againſt the Perſons of the Lord Marquiſs* Hamilton, *the Earls of* Argyle *and* Lannerick, *hath been communicated to both Houſes, who do very much commend your Wiſdom and*

and Diligence in ſending them timely Notice of an Accident of ſuch great Conſequence to the Peace both of this and that Kingdom, and do give you Thanks for your Care therein; and I am to let you know, That We have received no other publique Intelligence thereof. Wherefore the Deſire of both Houſes is, That ſo long as you ſtay there, you continue to Inform the Houſes of Parliament of the Further Proceedings in this matter, and ſuch other Accidents as may any way concern the Safety of both Kingdoms, and thereupon they have thought good to make further addition to your former Inſtructions touching ſome things which they conceive fit to be repreſented to his Majeſty, from the Lords and Commons of this Parliament here, as you may perceive by the incloſed which I am Commanded to ſend to you, and to commend to your Care and Wiſdom, not doubting but you will fully anſwer their Expectations and Confidence. And for the performance hereof, their Pleaſure is, That you ſhould continue there to wait upon his Majeſty till you receive further direction, or that his Majeſty be pleaſed to come away for England.

Inſtructions of the Lords and Commons in Parliament, to the Committees of both Houſes now Attending his Royal Majeſty in Scotland.

I.

Additional Inſtructions to the Committee in *Scotland*.

“YOU ſhall acquaint his Majeſty, That by your Advertiſement, both Houſes have taken Notice of the Examinations and Confeſſions taken in the Parliament of *Scotland*, concerning a malicious deſign affirmed to be undertaken by the Earl of *Craford* and others againſt the Perſons of the Marquiſs of *Hamilton*, the Earls of *Argyle* and *Lannerick*, having taken the ſame into Conſideration, they have good Cauſe to doubt, That ſuch ill-affected perſons as would diſturb the Peace of that Kingdom, are not without ſome malicious Correſpondence here; which, if thoſe wicked Purpoſes had taken Effect in *Scotland*, would have been ready to attempt ſome ſuch miſchievous Practices as might produce Diſtempers and Confuſions in this Kingdom, to the Hazard of the Publique Peace: for prevention whereof, they have given Order for ſtrong Guards in the Cities of *London* and *Weſtminſter*, * and have reſolved to take into their Care the Security of the reſt of the Kingdom.

*** The Debate about the Remonſtrance of the State of the Kingdom, in order to their poſſeſſing themſelves of the Militia, was many Weeks before in the Houſe, only this was a fair occaſion for the attempt.**

II.

“You ſhall further declare to his moſt Excellent Majeſty, That the States of his Parliament here do hold it a matter of great Importance to this Kingdom, That the Religion, Liberty and Peace of *Scotland* be preſerved, according to the Treaty and Articles agreed by his Majeſty, and confirmed by Act of Parliament, of which they are bound to be careful, not only by Publique Faith in that Treaty, but by their Duty which they ow to his Majeſty and this Kingdom; becauſe they hold it will be a great means of preſerving Religion, Liberty and Peace in *England*, *Ireland*, and his Majeſty's other Dominions; and the Union of all his Loyal Subjects in maintaining the Common good of all, will be a ſure Foundation of Honor, Greatneſs, and Security to his Royal Perſon, Crown and Dignity: wherefore they have reſolved to Employ their Humble and Faithful Advice to his Majeſty, the Power and Authority of Parliament, and of this Kingdom, for Suppreſſing of all ſuch as by any Conſpiracy, Practice, or other Attempts ſhall endea-

“ vour to diſturb the Peace of *Scotland*, and to infringe the Articles and the Treaty made betwixt the Two Kingdoms.

III.

“ You ſhall likewiſe inform the King, That whereas Orders have been given by his Majeſty, with the Conſent of Parliament. for the Diſbanding the Garriſons of *Carliſle* and *Berwick*, the firſt whereof is already wholly diſbanded, and all the Horſe, and Eight Companies of Foot ſent out of *Berwick*, and only Five Companies remaining, which likewiſe ſhould have been diſbanded at or before the 15*th* of this Month, if they had not been ſtayed by his Majeſties Command ſignified to Sir *Michael Ernley* Lieutenant Governor, according to direction in that behalf: and whereas by Order of Parliament Ships have been ſent for the Tranſporting his Majeſties Munition, Ordnance and other Proviſions in that Town and the *Holy Iſland*, all which have been of very great Charge to the Commonwealth, the Commons now Aſſembled in Parliament, have declared, That they intend to be at no further Charge for the longer ſtay and Entertainment of thoſe Men, or for the Demurrage of the Ships, if by occaſion of this direction they be kept out longer than was agreed upon.

Ordered, *That Mr.* Speaker *do write a Letter to Mr. Secretary* Vane, *that in caſe the Committee of both Houſes be come out of* Scotland *before the Letter and Inſtructions now to be ſent can be delivered there unto them, that then he ſhall be deſired by this Houſe to preſent the ſame unto his Majeſty.*

Saturday, Octob. 23. Order for the Biſhops impeached to have Councel.

This day upon the humble Requeſt of the Biſhop of *Rocheſter*, on his own behalf and the reſt of the Biſhops, which are impeached by the Houſe of Commons before their Lordſhips concerning the late Canons, &c. *It is Ordered, That Mr. Serjeant* Jerman, *Mr.* Herne, *Mr.* Chute, *and Mr.* Hales, *being publiquely named in this Houſe by the ſaid Biſhop, and approved of by the Houſe, ſhall be aſſigned to be of Counſel with the Biſhops that are impeached; With this* Proviſo *nevertheleſs, That if any of the ſaid Counſel ſhall upon juſt Cauſe deſire to be Excuſed, here, and the Houſe approve of the ſaid Excuſe, That then he or they ſhall not be compelled to be of the ſaid Biſhops Councel as aforeſaid.*

The Commons being met, there was a Report made of certain Troopers, who had made a diſturbance about a Tavern-Reckoning, and the Guard in the Pallace-Yard being called to quiet them, they fell upon them and cut the Drum; but being taken and committed to Cuſtody, and one of them ſaying in Bravado, *That there were a thouſand of them about the Town, who if they were there, would help them, and make the Pallace too hot for the Guards*, they were Ordered to be ſent to the Lords Bar to receive their Cenſure for this Miſdemeanor. But it ſtruck ſuch a fear into ſome of the Members of the Commons Houſe, that they immediately Voted what they had ſo often denied the King, though his Word and Honor were engaged to the *Spaniſh* Ambaſſador, to let him have ſome of the diſbanded Troops; for it was

Votes to let the diſbanded Soldiers paſs beyond Sea.

Reſolved, &c. *That the Houſe is of Opinion, and holds fit, that Orders ſhould be ſent to the Officers of the ſeveral Ports, requiring them to permit all ſuch Soldiers of the late diſbanded Army, as ſhall deſire it, to paſs beyond*

beyond the Seas; provided, that they take ſuch Oaths, and perform ſuch other Duties as are uſually required according to the Laws.

Reſolved, &c. That this Houſe is further of Opinion, and holds it fit, *That ſuch other Soldiers of the late disbanded Army, as are Strangers, and not Subjects, or Natives of this Kingdom, ſhall have liberty to paſs out of this Kingdom, and to receive Entertainment of any Forreign Prince.*

Sir *Gilbert Gerrard* carries up the Bill for diſabling all Perſons in Holy Orders, to exerciſe any temporal Juriſdiction or Authority, and acquainted the Lords, *That the Houſe of Commons deſired there might be all ſpeed in the paſſing of it, for it much concerns the good of the Common-Wealth.*

Thanks given to the L. General by the Houſe of Lords.

The Lord General, the Earl of *Holland*, being now returned and having at a Conference given an Account of the disbanding of the Army, It was Ordered by the Lords, *That this Houſe gives Thanks to the Earl of* Holland, *late Lord General of his Majeſties Army in the* North, *for his Lordſhips great Care and Diligence in disbanding the ſaid Army, ſo happily for the preſervation of the Safety and Quiet of the Kingdom,* which accordingly was done immediately by the Lord Keeper in the Name of the Houſe.

Proviſo **for Kings Chaplains Noblemen, &c. in the Bill againſt *Pluralities*.**

Upon the reading of the Bill againſt *Pluralities* and *Non-Reſidence* after the debate of the Houſe, theſe Lords Committees following were appointed to take into Conſideration, the King's Chaplains, the Priviledges of Noblemen, and the Heads of Colledges in the two Univerſities, and alſo to conſider of a *Proviſo, That every Parſon or Vicar, that lives from his Living, ſhall provide an able Curate to ſupply the Living, allowing him a Moiety thereof clear of all Charges, and the Parſon to Nominate the Curate, with the Conſent of the Patron.* Committed to the Lord Privy Seal, Marquiſs of *Hartford*, Lord Admiral, Lord Chamberlain, E. *Southampton*, &c. Lord Chief Juſtice of the Common-Pleas, Mr. Juſtice *Heath*, Mr. Juſtice *Mallet* Aſſiſtants, their Lordſhips, or any Seven of them, to meetat Nine a Clock to Morrow Morning in the Painted Chamber.

Monday, October 25.
Order to provide Match & Bullets for the Guard.
A Plot againſt Mr. *Pym*.

Upon a Motion made by Mr. *Pym*, it was Ordered, *That the Burgeſſes of* Weſtminſter, *and the Knights for* Middleſex, *ſhall take Care for the providing of Bullets and Match for the Soldiers, and a convenient Place for them to ſtand dry in.*

Mr. *Pym* declares, *That he received a Letter from a Porter, at the Door of the Houſe,* and upon the opening of it, a Plaiſter which came from a Wound, full of Corrupt Matter dropt out of it, *and that the Letter contained many Menaces, and much railing againſt him. The Porter being examined, ſaid, a Gentleman on Horſe-back in a Gray Coat, gave him twelve Pence for the ſpeedy delivery of it.* What ever the Matter was, it made a mighty Noiſe both in the Houſe, and out of the Houſe, in the City and Country, for Mr. *Pym* was then one of the greateſt Idols of the Faction. All the Art imaginable was uſed to find out the Author of this dangerous Attempt, to infect Mr. *Pym* with the Plague, but to no purpoſe, for many Perſons believed it, to be only a Plot of his own inventing againſt himſelf. However one *Mordant* was taken upon Suſpition, and Examined, but there being no Proof againſt him he was acquitted.

Tueſday, October 26.

Captain *Ven* brought in the Complaints of the Godly and Well-Affected Party, againſt Mr. *Hutton* Curate of St. *Giles Cripple-Gate. For* *that on the Day of Thankſgiving, he would not ſuffer any one to Preach but himſelf.*

2ly. *That inſtead of Preaching in the Afternoon, he only read the Biſhop of* Lincoln's *Prayer.*

3. *That he refuſed Mr.* Sedgewick *to preach there as Lecturer.*

Whereupon it was Ordered, *That Mr.* Hutton *Curate of* Cripple-Gate, *be taken into Cuſtody for Contemptuous Speeches, againſt the Orders of the Houſe.*

The Commons in great perplexity what name to give the Crime of the Biſhops, for making the new Canons.

The Houſe then fell upon the debate of the Impeachment of the Thirteen Biſhops, and great bandying of the Matter there was; for the difficulty was, by what Name this Heinous Offence of the Biſhops ſhould be called; and many of the Lawyers being in *Weſtminſter* Hall, it was Ordered, *That the Serjeant ſhould immediately give Notice to all the Lawyers, and others in* Weſtminſter *Hall, to attend the Houſe.*

Mr. *Hollis* thought fit that the Biſhops ſhould be charged with High Treaſon; but ſome of the moſt Eminent of the long Robe affirmed, they might as well Call it Adultery as Treaſon, and after all that could be ſaid upon the Subject it was

Reſolved upon the Queſtion, *That the Debate concerning the naming of the Crime of the Biſhops in making the laſt New Canons, ſhall be at this time laid aſide.*

Reſolved, &c. *That no certain time ſhall be now appointed, for the further Debate of the Buſineſs concerning the Naming of the Crime in the Biſhops, for the making of the laſt new Canons.*

Conference about a Letter from the King.

Mr. *Pym* Reports the Conference with the Lords, The Lord Keeper declared that he had received a Letter from his Majeſty, wherein he ſignified, *That though extraordinary Occaſions had kept him there longer then he expected, ſo that he was forced not to be ſo good as his Promiſe and Intention, yet he did aſſure them, he would make all the haſt back to them that he could.*

The King's Letter was in theſe Words.

The King's Letter to the L. Keeper.

My Lord Keeper,

Since that by the Neceſſity of My Affairs, I am detained here ſo long, that I cannot be at the Down-Sitting of the Parliament, I have thought it fit by theſe Lines, to direct you to tell both Houſes in My Name, that as this My long Abſence, is beyond My Expectation, ſo it is againſt My Deſire; and that I will make all the Diligence, that the Weightineſs of theſe Affairs will poſſibly permit to return, and ſo I reſt

Edenborough the 20th
of *October* 1641.

Your Aſſured Friend
Charles R.

Judge *Berkley* at the Bar of the Lords.

This day Sir *Robert Berkley* Knight, one of the Judges of the King's Bench, was brought as a Delinquent to the Bar of the Lords Houſe, and the Lord Keeper told him, that he was now to hear the Impeachment of High-Treaſon brought up againſt him, from the Houſe of Commons read, which being done

He gave their Lordſhips Humble Thanks for their Juſtice, in calling him to make his Anſwer, and acknowledged the Juſtice of the Houſe of Commons,

mons, that they have deſired he might make his Anſwer to his Charge, and be Proceeded in according to Juſtice. And withal, he made it his earneſt Requeſt to their Lordſhips, that they would permit him a little time now to ſpeak ſomewhat to the Particulars of his Charge, and having obtained Leave of the Houſe ſo to do, he made a long Relation upon the particular Articles of his Impeachment, and concluded with this his Plea and Anſwer, *That he is not Guilty in Manner nor Form, as is laid againſt him in his Impeachment.*

After which he humbly preſented to the Houſe a Petition, deſiring their Lordſhips to take their Particulars into Conſideration.

Hereupon he withdrew, and his Petition was read in *hæc verba.*

To the Right Honorable the Lords Aſſembled in Parliament.

The Humble Petition of Sir *Robert Berkley* one of the Judges of his Majeſties Court of *Kings-Bench.*

The Petition of Judge *Berkley* to the Lords, *October* 26. 1641.

Your Lordſhips having, as your Petitioner conceiveth, appointed Tueſday *the next Week, being the ſecond of* November *next for your Petitioners Tryal, he moſt humbly prayeth,*

That your Lordſhips will be pleaſed to grant unto him, your Lordſhips preſent Warrant for ſuch Witneſſes, as he ſhall have Cauſe to uſe at his Tryal.

That your Lordſhips will be pleaſed to admit, and if need be, to aſſign him Councel, for his neceſſary Defence in Point of Law, which may happen upon the Matter of High Treaſon, of which he is impeached, and in Point of Law and Fact, upon the Matters of Miſdemeanors, of which he is Impeached.

That for the few Daies, until the time of his Tryal, he may remain in the Cuſtody of the Sheriff of London, *where he hath remained a true Priſoner, for almoſt three Quarters of a Year, in whoſe Houſe all his Collections and Papers are for his Defence.*

And that he may have your Lordſhips Licenſe, to go with a Keeper to Serjeants-*Inn, to look out ſome Papers which he hath there, and ſhall have Occaſion to produce at his Tryal, as alſo, there to Confer and Adviſe with ſuch Councel as your Lordſhips ſhall pleaſe to admit, or Aſſign unto him.*

And your Petitioner according to his bounden Duty ſhall allways pray, for the continuance of your Lordſhips Honor and Happineſs, &c.

The Names of ſuch Councel, as your Petitioner moſt humbly deſires are, The Princes Attorney, Mr. Recorder of *London,* Mr. *Herne,* Mr. *Thorp,* Mr. *Fountain,* Mr. *Bierley,* Mr. *Lightfoot,* Mr. *Brome.*

Subſcribed, *Robert Berkley.*

The Biſhops withdraw being a mixt Charge.

Before the Houſe reſolved of any Anſwer herein, the Houſe was Adjourned into a Committee, to conſider whether the Biſhops ſhould not withdraw, during the Agitation of this Buſineſs, it being a mixt Charge of Treaſon, as well as Miſdemeanor, after a long Debate the Houſe

October, 1641.

Houſe was reſumed, and it was agreed, *That the Matter of Treaſon ſhould be firſt Ordered, at which the Biſhops are to withdraw, and when the Matter of Miſdemanor come into Agitation, they are to come into this Houſe again to their Places.*

Hereupon the Biſhops withdrew themſelves, and after a long Debate it was Ordered, *That Mr. Juſtice* Berkley *ſhall have a Warrant for to bring ſuch Witneſſes, as he ſhall have Occaſion for, to teſtifie for him at his Trial in Matters of Miſdemeanors, but not in Matters of Treaſon.*

Then the Lords the Biſhops were called in, and the Lord Keeper declaring unto them the Senſe of this Order, they gave their Conſents thereunto.

And further it was Ordered, *That the Princes Attorney, Mr. Recorder of* London, *Mr.* Herne, *Mr.* Bierly, *Mr.* Thorp, *ſhall be aſſigned of Council, for Mr. Juſtice* Berkley *in Point of Law, which may happen upon the Matter of Treaſon, and in Point of Law and Fact upon the Matters of Miſdemeanor at his Trial the ſecond of* November *next.*

And that the ſaid Juſtice Berkley *ſhall ſtill remain in the Cuſtody of* George Clerk *Eſquire, one of the Sheriffs of the City of* London, *where he is now, and that he have Liberty to go to* Serjeants *Inn in* Fleet-*Street one Day when he ſhall think good, with his Keeper, to look out ſome Papers which he hath there, and ſhall have Occaſion to uſe at his Tryal.*

Then Mr. Juſtice *Berkley* was called in, and the Lord Keeper pronounced the aforeſaid Order to him, for which he gave their Lordſhips moſt humble Thanks.

Five *Conge de Eſlires* for new Biſhops to be petitioned to be ſtayed.

Mr. *Warwick* Reports, *That there were Directions given from his Majeſty, for the drawing up of Five* Conge d' Eſlires *for the making of Five New Biſhops,* viz. *Dr.* Prideaux, *Dr.* Brownrick, *Dr.* Holdsworth, *Dr.* Winniff *and Doctor* King. Upon which Mr. *Strode* moves the Houſe to ſend up a Meſſage to the Lords to deſire them to joyn in Petitioning his Majeſty for the ſtaying the making of theſe new Biſhops, till the Charge againſt the other Biſhops was diſpatched.

This day Information was given into the Houſe of Lords, that ſince the Act for bounding the Forreſt, many Riots were committed upon the occaſion of killing of Deer, pretending they were not within the Bounds of the Forreſt, and that in *Oxfordſhire* in one of thoſe Fraies a Keeper was killed.

It was alſo moved that the Bill for diſabling Perſons in Holy Orders from exerciſing Temporal Juriſdiction, might not be read at preſent, it having been voted againſt, as to the Subſtance in a former Bill this Seſſions; but it was Ordered to be read a ſecond time to morrow Morning peremptorily.

Wedneſday, October 27.

Mr. *Pym* Reports the Reaſons for Excluding the Thirteen Biſhops, in Order to the delivering them at a Conference with the Lords, and deſires that Mr Solicitor may have the mannaging of the Buſineſs. On the other Side Mr. Solicitor excuſed himſelf, and deſired that Mr. *Pym* might manage it, whereupon it was, to end the Conteſt Ordered, *That Mr.* Pym *and Mr.* Solicitor *ſhould have the mannaging of the whole Buſineſs concerning the Biſhops; and accordingly they did ſo, at a Conference with the Lords upon this Subject.*

October, 1641.

Mr. *Pym*'s Speech at the Conference about Excluding the Biſhops from Voting in the Caſe of the 13 Biſhops impeached, *Oct.* 27. 1641.

The Lord Privy Seal Reported the Conference yeſterday with the Houſe of Commons concerning Biſhops, *viz.*

“ Mr. *Pym* declared from the Houſe of Commons, That there is nothing of greater importance to the ſafety and good of the Kingdom, then that this High Court of Parliament, which is the Fountain of Juſtice and Government, ſhould be kept pure and uncorrupted, from Corruption, free from Partiality and by-reſpects; this will not only add Luſtre and Reputation, but Strength and Authority to all our Actions: Herein, *he ſaid*, your Lordſhips are ſpecially intereſſed, as you are a Third Eſtate by Inheritance and Birth-right; ſo the Commons are publickly intereſſed by Repreſentation of the whole Body of the Commons of this Kingdom, whoſe Lives, Fortunes and Liberties are depoſited under the Cuſtody and Truſt of the Parliament.

He ſaid, “ The Commons have commanded him, and his Colleague Mr. Solicitor General, to preſent to your Lordſhips two Propoſitions, which they thought very neceſſary to be obſerved and put in Execution at this time.

1. “ That the 13 Biſhops which ſtand accuſed before your Lordſhips for making the late pretended Canons and Conſtitutions, may be Excluded from their Votes in Parliament.

2. “ That all the Biſhops may be ſuſpended from their Votes upon that Bill intituled, *An Act to diſable all Perſons in Holy Orders to exerciſe any Juriſdiction or Authority Temporal.*

“ The firſt of theſe is committed to his Charge, and he ſaid he was commanded to ſupport it with three Reaſons.

Firſt, “ That the 13 Biſhops have broken that Truſt to which every Member of Parliament is obliged, which Truſt is to maintain,

(1.) “ The Prerogative of the King.
(2.) “ The Priviledge of Parliaments.
(3.) “ The Propriety of the Subject.
(4.) “ The Peace of the Kingdom.

“ And this Truſt they have broken, not by one Tranſient Act, but by ſetting up Canons in Nature of Laws, to bind the Kingdom for ever.

“ That the Canons are of this Nature appears by the Votes of both Houſes, and that they were all Parties to the making thereof, appears by the Acts of that Synod. The Book it ſelf the Commons cannot tender to your Lordſhips, becauſe they ſent for it, but he that hath the Book in Cuſtody was out of Town, but a Member of their own Houſe upon View of it, is ready to Depoſe, that their Names were Entred among thoſe that did ſubſcribe to it.

“ Wherefore the Houſe of Commons deſire your Lordſhips in the firſt place to conſider, whether they that take to themſelves a Legiſlative Power, deſtructive to Parliaments, be fit to exerciſe that Power of making Laws, which only belongs to the Parliament.

“ Secondly, Whether it be ſafe for the Common-Wealth, that they ſhould be truſted with making Laws, who as much as in them lay, have endeavoured to deprive the Subject of theſe good Laws which are already made.

“ A third Reaſon is this, That they ſtand Accuſed of Crimes very hainous, That is of Sedition: Secondly, of Subverſion of the Laws of the

“ Kingdom ; this will eaſily appear in the Nature of the Canons themſelves, as alſo by the Votes to which your Lordſhips and the Commons have already agreed.

Here the Votes of both Houſes were read, by Mr. *Goodwin*.

For the ſecond Propoſition, he ſaid, “ That ſhould be handled by one that will do it with more advantage of Reaſon and Learning then he could do, therefore he would leave it to him.

Mr. Sollicitor *St. John's* Speech at a Conference about Excluding the Biſhops Votes.

Then Mr. Solicitor General informed their Lordſhips, “ That the Excluding of the Biſhops from Votes in Parliament was not of ſo general Conſequence, as that by it the whole Clergy of *England* was Excluded.

1. His firſt Reaſon offered was this, “ That the Biſhops did not Vote for the whole Clergy ; for that if it ſhould be ſo, then the Clergy of *England* ſhould be twice repreſented, and twice Voted for in Parliament.

“ This appears by all the Ancient Writs of Summons, which till of late were to this effect ; A Writ of Summons went to the Biſhop commanding him, *Summonire* all the Clergy of his Dioceſs to appear by Proxies of their own chuſing : What to do ? *Ad conſentiendum iis quæ de Communi Concilio Regni ordinari Contigerit.* So that if the Biſhops do repreſent the Clergy, then the Clergy are twice repreſented, both by the Proctors, and again by the Biſhops. Now although the Form of the Writs be altered, yet the Reaſon holds, and ſtill Remains.

2. “ If they Vote for the Clergy, then they are to be Elected by the Clergy, as the Members of the Commons Houſe now are ; but your Lordſhips voting only for your ſelves, need no Election.

3. “ If they Voted for the Clergy as a third Eſtate, then would follow that no Act of Parliament could be good, where they did Diſſent : but many Acts of Parliament are paſſed, where all the Clergy Diſſented : And the laſt, he ſaid, that came to his memory is the Statute of 1 *Eliz.* Eſtabliſhing the Book of Common-Prayer, to which all the Biſhops did Diſaſſent. * The Entry in the Roll is, *Diſſentientibus Epiſcopis*, and yet the Statute holden for a good Law to this Day. This was offered to ſhew, That it might not be conceived, that the denying the Biſhops to have Votes in this Bill now before your Lordſhips, was of ſuch general Influence as to take from the Clergy any Intereſt or Priviledges that formerly belonged to them.

* There is nothing plainer from this Entry, then that the Biſhops did Vote ; for elſe how could they be entred to diſaſſent, and yet he brings it for a preſident to prove they ought not.

(2.) In the ſecond place, he ſaid, “ He was to preſent the ſence of the whole Houſe of Commons to your Lordſhips, That the Prelates have not ſo abſolute a Right of Peerage for voting in Parliament, as the Temporal Lords have out of Parliament : This appears by that of higheſt Conſequence, that they are not tryable by their Peers for their Lives, but by an ordinary Jury. In Parliament they have no Vote in Judgment of Blood, Life, or Member, but if their Peerage were ſo inherent in them as it is in the Temporal Peers, no Eccleſiaſtical Canons could take it from them : Beſides, in point of Right it hath been Reſolved by all the Judges of *England*, 7 *H.* 8. in *Kellaway*'s Reports, That the King may hold his Parliament by the Lords Temporal and Commons without calling of the Biſhops ; and that “upon ſeveral Occaſions, eſpecially concerning the Pope, or themſelves, the Biſhops have been excluded, and their Votes not admitted herein. He ſaid, He was commanded to offer ſome Preſidents to your Lordſhips upon the ſudden.

“In the Parliament 25 of *E.* 1. The Biſhops refuſing to joyn with the Lords and Commons, in granting of Subſidies for the good of the Kingdom, this was holden at *Bury*, & *Excluſo Clero*, many Acts were then made never ſince queſtioned. 35 *E.* 1. The Statute of *Carliſle*, divers Petitions there exhibited by the Commons concerning the Prelates, and Lords Abbots, for oppreſſing the poor Clergy, ſeveral Acts were made for their Relief: but by whom? By the King, Earls, Barons and other Nobles, and the Commons only: Now in reſpect the ſeveral Ranks of the Nobility are named, * they did not conſent, becauſe that in all other Acts, where they do conſent, they are particularly named; and if it be objected, that they might be there and might give a Negative, and therefore were not named among them that did conſent; it appears, that *Habito tractatu cum Comitibus, Baronibus, & cæteris Communitatibus*, the King did Enact thoſe things, * and never called the Biſhops to the Debate: this appears in the Parliament Book.

* ***Ergo*** **they did Vote and were not Excluded from that Right of their Peerage even in their own Caſe.**

* **This is *gratis dictum* not proved at all by the Roll.**

“20 *E.* 3. *Parliament Roll N.* 33. The Commons Petition that no allowance be made to the Cardinals that had been in *France* for Treating of Peace: In the Roll it is thus Entred, * *Aſſented unto as reaſonable by the Dukes, Earls, Barons and other the Lay Gents*, without ever naming the Biſhops; now the word, *others Lay Gents*, ſhews the Biſhops were none of the number that Voted in that Law.

* ***Ergo*** **the other did diſſent.**

“Secondly it was to be noted, That in Acts where the particular Ranks are ſet down, none of the Temporal Ranks have ever been omitted, and if the Spiritualty had voted, they ſhould have been named, though in Vote they had diſſented.

“*Eodem Anno Num.* 35 *ad Num.* 38. There being two other ſeveral Acts made upon Petitions of the Commons, the one made againſt Proviſions for ſome Cardinals, and the other to reſtrain the carrying of Mony to *Rome*, the Anſwer is made as before, by the Dukes, Earls, Barons and Commonalty, never mentioning the Lords Spiritual.

“3 *R.* 2. *Cap.* 3. & 7 *R.* 2. *Cap.* 3. There are in Print, Acts made by the King and Lords Temporal only, without the Lords Spiritual: The Statute of 7 *R.* 2. reciting the former Statute of 3 *R.* 2. which ſaid our Lord the King by the Advice and common Aſſent of all the Lords Temporal, and Commons being in this Parliament Aſſembled, hath ordained *ut ſequitur* in the Act. And theſe Acts made by the King, the Lords Temporal and Commons only, were upon the Clamorous complaints of the Commons, about the giving of the Benefices of *England* to ſtrangers, and others who never were Reſident upon the Benefices.

This Report being made, the Houſe took the ſame into Conſideration, and for the better debate of the Propoſitions, the Houſe was adjourned into a Committee during pleaſure. And the Queſtion was

Whether thoſe Thirteen Biſhops that ſtood Impeached of thoſe Crimes by the Houſe of Commons, ſhall be ſuſpended from their Votes in this Houſe, until they ſtand Recti in Curia.

After

October, 1641.

After a long debate herein, the Houſe was reſumed, and it is Ordered, *That the further Conſideration of the Propoſitions which came from the Houſe of Commons, and the Bill entituled, an Act for diſabling Perſons in Holy Orders to Exerciſe any Temporal Juriſdiction ſhall be both deferred until the Tenth day of* November *next.*

A Meſſage was brought from the Houſe of Commons by *Arthur Goodwin* Eſquire, to let their Lordſhips know, *That whereas at a Conference Yeſterday touching the Biſhops, which were Impeached for making of Canons, the Houſe of Commons did tell their Lordſhips, That they had a Witneſs a Member of their Houſe, Mr.* Wheeler, *to prove that the ſaid Biſhops did Subſcribe to thoſe Canons, he having ſeen the Regiſter Book, with their Names written with their own Hands, all which he is now ready upon Oath to prove, if their Lordſhips ſhall reſt herein ſatisfied, the Regiſter Book being in a Houſe, which is viſited with the Plague.*

The Reader will ſee by theſe Arguments of Mr. Solicitor St. *John*, the utmoſt Strength of the Reaſon, which they had to exclude the Biſhops from their Votes and Peerage.

Now in regard the ſame thing has been again moved, and the Arguments revived by the Succeſſors of the ſame Faction, who ſtill retain the old Principles and Kindneſs to the Lords the Biſhops, looking upon them, as a kind of Supernumeraries in the Houſe of Lords, who may well be ſpared, and not, as in reality they are, a third Eſtate; to ſtop the Progreſs ſo far as I am able of ſuch an Error, dangerous to the very being, and Fundamental Conſtitution of our Parliaments, I here preſent the Reader with a ſhort Abſtract out of the Learned Piece writ upon this Subject, Entituled, *The Grand Queſtion concerning the Biſhops Right to Vote in Parliament in Caſes Capital, Stated and Argued,* &c.

I confeſs I have not followed the Author's Method, nor was it poſſible to do it, without great Inconvenience, his Book being an Anſwer to ſome Papers writ againſt the Peerage and Juriſdiction of Biſhops, *&c.* But I hope I have not done him, or the Subject any Injuſtice, by making uſe of the Matter, and accommodating it more to my purpoſe, which is among ſuch Infinite Plenty and Variety of Matter, to ſtudy all the conciſeneſs and brevity I can.

I have therefore reduced the Subject to theſe four Heads.

Firſt, That the Biſhops are *Pares Regni*, Peers of the Realm, and Peers in Parliament.

Secondly, That they have a Right to Sit and Vote in Parliament in all Cauſes whatſoever, even in *Cauſa Sanguinis* in Capital Caſes.

Thirdly, That the Lords Spiritual, the Biſhops, are a third Eſtate in Parliament.

Fourthly, To anſwer ſuch Objections as have been made againſt their Peerage and Juriſdiction. Which Abſtract follows.

An Abſtract of the Grand Queſtion about the Peerage and Juriſdiction of the Biſhops in Parliament.

Firſt Poſition, That the Biſhops are *Pares Regni*, Peers of the Realm, and Peers in Parliament.

The Author Learnedly proves, That as ſoon as ever Chriſtianity was ſettled in theſe Northern Nations, Biſhops were admitted into all publick Councils and Courts of Judicature.

Marculph. Form. lib. 1. c. 25.

So he inſtances in *France*, from the Teſtimony of *Marculphus*, That the King Sate in Judgment, *unà cum Dominis, & Patribus noſtris Epiſcopis*, together with the Lords and Fathers the Biſhops, and that the greater Cauſes were heard by the King himſelf, or the *Comes Palatii Epiſcopis & proceribus Aſſidentibus*, the Biſhops and Nobility being Aſſeſſors with him.

Concil. Tolet. 4. c. 75. 5. c. 7. 6. c. 17. *& paſſim albi.*

In *Spain*, during the *Gothick* Race of Kings, the greateſt Affairs of State were managed by the greateſt of the Clergy and Nobility, as appears by the ſeveral Councils of *Toledo*; and particularly in the 13 Council, *Cap.* 2. A caſe of Impeachment of Treaſon, was brought before them. And yet from one of theſe Councils of *Toledo*, it is, that all the Duſt hath been raiſed, and the Canon Law objected, urged againſt Biſhops, That they ought not to be preſent or concerned in Caſes of Blood.

Goldaſtus Rer. Alem. An. To. 2.

Arumæus de Comitiis n. 35. *c.* 4. *n.* 98.

In *Germany*, the firſt Laws that were publiſhed by *Lotharius*, were compoſed, 33 Biſhops, 34 Dukes, 72 Counts, beſides the People being preſent and aſſiſting; and *Arumæus* a Proteſtant Lawyer informs us, that the Biſhops of *Germany* Sate in the Diet in a double Capacity, as Biſhops and Princes of the Empire, which Conſtitution he applauds as prudent for the Adminiſtration of Juſtice, Honourable and ſafe for Religion.

Goldaſt. Bohem. lib. 5. *cap.* 1.

In *Bohemia*, the ſame *Goldaſtus*, a Proteſtant too acquaints us, that there were three Eſtates, Prelates, Nobles and Commons, till the time of *Sigiſmund*.

Decret. Ladiſl. p. 12.

In *Hungary*, ſo ſoon as ever the Chriſtian Religion prevailed and was ſettled, the Laws were framed by the King, with the Advice and Conſent of Biſhops, Nobles, and the whole Clergy and People.

Staravols. Polon. p. 263. *Herbart Stat. Regni Pol. p.* 262.

In *Poland*, the Conſtitution of the Government is compoſed of the Biſhops, Barons, and Delegates, who are called *Nuncii terreſtres*, who are Summoned to the Dyet by the King; and that with the entrance of Chriſtianity as the publick Religion, the Biſhops entred into the Senate and had the firſt Seat in that Court.

Adam Brem. de Situ Dan. n. 85. *Loccen. Antiq. Sueco-goth. c.* 8. *Jus aulicum Norvey. c.* 3. *c.* 36.

In *Norway*, *Denmark* and *Sweden*, the ſame Conſtitution entred with the prevalency of Chriſtian Religion. *viz.* Biſhops, Nobles, Knights and Deputies.

In *England*, after the Converſion of the *Saxons*, during the whole time of that Monarchy, there is not in all our Records one Council wherein the Biſhops had not a part.

From whence the Author ſtrongly Argues, that it would be a very unaccountable thing, that we of all the Nations of the Chriſtian World, who profeſs to have the beſt Government and the beſt Reformed Religion, ſhould Exclude thoſe from any ſhare in that Government, who were by all others admitted into it as ſoon as they admitted the Chriſtian Religion to be the publick Profeſſion of their Country.

That the Biſhops ſince the coming in of the *Norman* Race were always Eſteemed Peers of the Realm, and Peers of Parliaments; He brings ſeveral undeniable Preſidents and Inſtances.

Rot. 55. 56. 21. *R.* 2.

In the 21 of *R.* 2. a Repeal of a former Sentence againſt the *Spencers* being Petitioned for in Parliament, theſe Errors were aſſigned. Becauſe the Prelats, *Who are Peers of the Realm*, did not Aſſent to the Judgment; and becauſe it was made only by the Earls and Barons, Peers of the Realm, *&c.* And becauſe it was made againſt the Great Charter of *England*, in which it is contained that no man ſhall be exiled or deſtroyed, but by the Lawful Judgment of his Peers, or by the Law of the Land. By which it appears that the Judgment of that Parliament was, That it was a Breach of the *Magna Charta* for the Temporal Lords to condemn a Peer, without the Aſſent of the Biſhops, who are expreſly declared to be Peers of the Realm. *Rot.* 55. To be Peers in Parliament, *Rot.* 56. and to be Peers of the Realm in Parliament, *Rot.* 61. And all this too in the Caſe of Treaſon; which is as a full Declaration of their Peerage as it is poſſible to make.

To the Second Poſition, That they have a Right to Sit and Vote in Parliament in all Cauſes whatſoever, even in *Cauſa Sanguinis*, in Capital Caſes: which he proves by Reaſon and Preſidents.

That by the *Magna Charta*, a Law of the Higheſt value, Confirmed by Thirty Acts of Parliament, and with the moſt Solemn and dreadful Imprecations, upon whoſever of them or their Poſterity ſhould go about to violate it in any particular, the Biſhops have an equal Right with the Temporal Lords.

That they Sit in Parliament by the virtue of the ſame Writs of Summons, that the other Barons do; they are Summoned to Adviſe and Debate about the great and difficult Affairs of the Kingdom; *cum Prælatis, Magnatibus, & Proceribus dicti Regni noſtri Angliæ, colloquium habere & tractatum.* Of all things indefinitely that ſhall be brought before them in that High and Honourable Court, the Supream Judicature of the Nation: and that there cannot be any Inſtance produced of a Writ of Summons, with a Limitation or Reſtriction upon the Biſhops, excluding them from any matter of Debate, Conſultation, Vote, or Judicature belonging to the Houſe of Lords: The Temporal Barons alſo are Summoned indefinitely to Debate, Handle and Conſult with the Prelats in all things there to be done, which would be impoſſible, if in ſome of the moſt Important matters in point of Judicature, the Lords the Biſhops muſt be Totally Excluded.

That though the Conſtitution of *Clarenden* be urged as deſigned for a Limitation of the Biſhops exerciſing Juriſdiction in the Caſe of Life or Mutilation of Members, yet it is evident both from the Words and the occaſion of that Law that they ought to be preſent, for that this Conſtitution of *Clarendon* was made perfectly to oblige the Biſhops to ſerve the King in the Capacity of their Temporal Baronies, *ſicut cæteri Barones*, the Tenure being the ſame, *Et ſicut Barones cæteri debent intereſſe Judiciis Curiæ Regis, cum Baronibus uſque perveniatur in Judicio ad diminutionem Membrorum vel ad mortem*, the plain Senſe of which words is, that they ought to be preſent, not only till ſuch Cauſes of Life or Limb, came before the reſt of the Lords, but at all preliminary Debates; *uſque perveniatur*, not *ad Judicium*, but *in Judicio*, which ſuppoſes a Trial preceding, till the Sentence came to be pronounced.

Now the occaſion of this was, the Papacy was then erecting their fifth Monarchy, and indeavouring to ſet up an Independent Juriſdiction of the Church in all Kingdoms, which the Kings very well perceiving were reſolved to oppoſe; and therefore to oblige them to this Service by vertue of the Tenures of their Temporal Baronies; And this giving them a Conceſſion to withdraw when the Sentence was pronounced, was a particular favour of the King.

Thomas Becket, a great Saint and Martyr in the *Roman* Calendar, ſtoutly oppoſed this as an inchroachment upon the Liberties of the Church, and indeed the Biſhops who had all along the *Saxon* Government ſate in the great Councils, by virtue of their Spiritual Capacity there being then no Temporal Baronies, they thought the Conquerors impoſing this Tenure upon their Eſtates, a very hard Servitude and Badge of Slavery to the Secular Power; but that notwithſtanding their Reluctancy, this *Salvo*, ſeemed a little to qualify the matter, ſo that they did Vote in ſuch Caſes till the Sentence came to be pronounced, appears from *Petrus Bleſenſis*, who taxes them of Colluſion for ſubmitting to this Conſtitution of *Clarendon*, *Principes ſacerdotum*, ſaith he, *& Seniores Populi, licet non dictent Judicia Sanguinis, eadem tamen tractant, diſputando & diſceptando de illis; ſeque ideo immunes à Culpa reputant, quod Mortis aut truncationis membrorum judicium decernentes, à pronuntiatione duntaxat, & Executione Penalis Sententiæ ſe abſtinent.*

Pet. Bleſen. de Inſt. Epic. p. 454.

Although, ſaith he, they do not give Judgment in Caſes of Blood, yet do they handle, treat, and debate about them, and think themſelves innocent, becauſe in the determinations of Caſes of Life and Limb, they abſent themſelves at the pronouncing, or execution of the Penal Sentence.

This Statute of *Clarendon* was made in *February*, and in the *October* following the King Summons a Parliament to *Northampton*, in which *Becket* was for oppoſing this Conſtitution, waſting the Kings Treaſure and other Crimes, accuſed of Treaſon, in the Debate whereof the Biſhops Sate with the other Barons, and becauſe the matter did not come to a Sentence of Death, after great Debate between the other Lords & the Biſhops about pronouncing the Sentence, the Biſhop of *Wincheſter* did it. But *Becket* making an Appeal to the Pope, the Biſhops being afraid of him they endeavoured to perſuade the King to deſiſt his further proſecution, till that matter was determined: But the King being reſolute, preſſed them to their Duty notwithſtanding *Beckets* Prohibition to them, to the contrary, from the obligation of the Statute of *Clarendon* to which they had Sworn, *Aſſerens, quod non teneat hæc ejus ſimplex Prohibitio, contra hoc quod Clarendoniæ factum & initum fuerat*, affirming that this ſingle Prohibition of *Beckets*, could not bind

Fitz. Steph. *vit*. Tho. Becket *de Concil. apud* Clarendon *Mſſ. in Bibliotheca Cottoniana.*

them againſt what was done and agreed to at *Clarendon.* From all which it is plain that in fact the Biſhops did Debate and Vote in a Capital Caſe, and were obliged by this Statute ſo to do, and it was a Favour indulged them to be abſent at the giving of the final Judgment or Sentence of Death, or loſs of Limbs.

Rot. Par. n. 17. 5. *H.* 4. In the 5. *H.* 4. The Earl of *Northumberland* was in Parliament, Impeached of Treaſon, and after Examination of the whole matter, he clearly acquitted himſelf of the charge, upon which, it is ſaid in the Record, *Et auxi meſmes les Communes remercierment les ſeigneurs Eſpirituelx & Temporelx de lour bon & droiturell Jugment, quils auoint fait come Piers du Parlement.* That the ſaid Commons returned thanks to the Lords Temporal and Spiritual, for the good and upright Judgment which they had made as Peers of Parliament.

Rot. Par. n. 9. 2 *H.* 6. In the 2 of *H.* 6 *John* Lord *Talbot* accuſed *James Boteler* Earl of *Ormond,* in Parliament, of ſundry Treaſons, and the Record ſaith, That *De aviſamento & aſſenſu Dominorum Spiritualium & Temporalium, ac Communitatis Regni Angliæ in eodem Parliamento exiſtent' facta fuit quædam Abolitio delationis, nunciatonis & Detectionis predict'* &c. By the advice and conſent of the Lords Spiritual and Temporal, and the Commons of *England,* there was made a certain abolition of the ſaid Accuſation, Relation and Diſcovery.

From which Preſidents it is evident that the Lords the Biſhops did Sit and Debate, Vote and Determin, in Cauſes Capital as well as the other Temporal Lords.

The third Poſition is, that they are a third Eſtate in Parliament. Which is proved both by undeniable Reaſon and undoubted Preſidents and Records.

That there are three Eſtates in the Parliament of *England,* is a matter on all hands allowed; But ſome Perſons who would bring down the Soveraignty to a Coordinacy, do affirm that the King is the third Eſtate, the Lords making one, and the Commons the other; which dangerous Poſition, as it doth ſubmit the Monarchy to great hazzards, ſo it gave occaſion and colour to the taking away of the Peerage of the Biſhops, the third Eſtate notwithſtanding their Excluſion, being according to this principle left as Intire in the Lords Houſe, as it was upon the Excluſion of the Lord Abbots in the time of King *Henry* the Eighth.

Now that the King is not one of the three Eſtates, and conſequently that the Lords the Biſhops muſt be ſo, and were ever accounted ſo, evidently appears by the Records of our Parliaments, which are cited to this purpoſe as follows.

In the Parliament of 1. *H.* 4. By the Roll it appears, that King *Richard* the Second, appointed two Procurators to declare his Reſignation of the Crown *coram omnibus Statibus Regni,* before all the States of the Realm; and one of the Articles againſt him was concerning his Impeachment of *Thomas* Arch-Biſhop of *Canterbury, coram Rege, & omnibus Statibus Regni,* before the King, and all the Eſtates of the Realm. And who all theſe Eſtates of the Realm were, it moſt fully appears in that the Commiſſioners for the Sentence of this unfortunate Kings depoſition are ſaid to be appointed, *Per Pares & Proceres Regni Angliæ Spirituales & Temporales, & ejuſdem Regni Communitates, omnes ſtatus ejuſdem Regni repreſentantes.* By the Peers and Nobility of the Kingdom of *England,* Spiritual and Temporal, and the Commons of the ſame, repreſenting all the Eſtates of the ſaid Realm. So that Firſt the Biſhops are declared Peers of the Realm in Parliament. Secondly, The Eſtates of the Parliament are to repreſent all the Eſtates of the Kingdom, Clergy, Nobility and Commons. Thirdly, The three Eſtates in Parliament are the Lords Spiritual, the Lords Temporal, and the Commons of the Realm.

Rot. Parl. 1. *R.* 3. In the Roll of Parliament, 1. *R.* 3. it is Recorded, That whereas before his Coronation, certain Articles were delivered unto him in the name of the three Eſtates of the Realm, that is to ſay, of the Lords Spiritual, Lords Temporal, and of the Commons by name, *&c.* Now foraſmuch as neither the ſaid three Eſtates, neither the ſaid Perſons, which in their name preſented and delivered (as it is aforeſaid) the ſaid Roll unto our Soveraign Lord the King, were Aſſembled in Form of Parliament, divers doubts have been moved, *&c.* Now by the ſaid three Eſtates Aſſembled in this preſent Parliament, and by Authority of the ſame, be ratified and Enrolled, *&c.* Upon which Record, Mr. *Prinn* himſelf makes this Marginal Note, The three Eſtates muſt concur to make a Parliament, no one or two of them being a full or Real Parliament, but all conjoyned.

Prinn Abridgments of Records, *p.* 710. 714.

Rot. Par. 3. H. 6. n. 19.
6. H. 6. n. 24.
11. Hen. 6. n. 10. and n. 2. n. 2.

In the 3. *H. 6.* it is ſaid in the Record, the three Eſtates Aſſembled in this preſent Parliament. In the Explanation of the Duke of *Bedford*'s Power as Protector. It is ſaid, it was adviſed and appointed by the Authority of the King, Aſſenting the three Eſtates of this Realm, ſo that it is plain that the King was not then accounted one of them.

In the 11. *H. 6.* The Duke of *Bedford* appeared in Parliament, and declared the Reaſon of his coming, *coram Domino Rege & tribus Statibus Regni*, before the King and the three Eſtates of the Realm. *N.* 11. *Domino Rege & tribus Regni Statibus in preſenti Parliamento Exiſtentibus*, Our Lord the King, and the three Eſtates in Parliament being preſent, where the King is plainly diſtinct from the three Eſtates.

11. *H. 6. N.* 2. The Lord *Cromwell* Lord Treaſurer Exhibits a Petition in Parliament, wherein he ſaith, that the Eſtate and neceſſity of the King and of the Realm have been notified to the three Eſtates of the Land, Aſſembled in Parliament.

In the Appendix to the Rolls of Parliament that Year, the Duke of *Bedford* ſaith in his Petition to the King, How that in your laſt Parliament yit lyked your Hyghneſs by yaduis of three Eſtates of yis Land to will me *&c.*

23. *H.6. n.* 11.

23. *H. 6. N.* 11. *Preſente Domino Rege, & tribus Statibus in preſenti Parliamento Exiſtentibus* &c. Our Lord the King being preſent and the three Eſtates in the preſent Parliament Aſſembled.

28. *H.* 6. *n.* 9.

28. *H. 6. N. 9. Domino Rege, & tribus Regni Statibus in pleno Parliamento comparentibus, &c.* Our Lord the King and the three Eſtates in full Parliament appearing, *&c.*

1. *H.* 6.

1. *H. 6.* The Queen Dowager in her Petition mentioning the Ratification made in Parliament, 9. *H.* 5. ſaith it was not only ſworn by the King, but by the three Eſtates of the Kingdom of *England*, *Ceſt aſſavoir, Les Prelatz Nobles & Grands & per les Comuns de meſm le Royalm Dengleterre.* That is to ſay, by the Prelats, Nobles and Great Men, and by the Commons of the ſaid Realm of *England.*

8. *Eliz.* 1.

And ſince the Reformation, In the 8 of *Eliz.* 1. The Biſhops are in Parliament called one of the greateſt States of this Realm.

From all which Inſtances it plainly appears. Firſt, That there are three Eſtates in the Fundamental Conſtitution of every Parliament. Secondly, That there are three Eſtates beſides the King, and conſequently that he cannot be one of the three. Thirdly, that the Lords Spiritual the Biſhops, are a Third Eſtate of the Realm in Parliament. *Quod erat probandum.*

Object. 1.

It remains now to anſwer ſome Objections which are made againſt theſe Poſitions. And Firſt, a Canon which they urge was made at *Weſtminſter* by *Richard* Arch-Biſhop of *Canterbury*, that Perſons in Holy-Orders ſhould not *agitare Judicium ſanguinis.*

To which it is Anſwered, That this is part of one of the Canons of *Toledo*, which never were any part of the Common or Statute Law of this Land; even in times of Popery, much leſs obliging now ſince the Reformation, but however the very Canon it ſelf is perverted, for the Prohibition explains it ſelf, *unde prohibemus, nè aut per ſe Membrorum truncationes faciant aut inferendas Judicent*, they were prohibited perſonally to be the Executioners in diſmembring, or to pronounce the Judgment or Sentence in Caſes of that Nature. Two Offices of which neither the Lords the Biſhops, nor the moſt inferior of the Clergy will at this time contend for, or be ambitious of.

Object. 2.

It is Objected, Secondly, that in the 11. of *Richard* the Second, the Biſhops in Caſes of Blood, entred a Solemn Proteſtation, in Parliament, which was Aſſented to by the King, the Lords Temporal and Commons with theſe words, *Non licet nobis aut alicui eorum, juxta Sacrorum Canonum inſtituta, quomodolibet intereſſe.* That according to the Canon Law, it was not lawful for them or any of them in any manner to be preſent.

October, 1641.

To this it is anſwered, That the Proteſtation ſaith, as Peers they had Right, as, *per Baroniam de Domino Rege tenentes, in Parliamentis Regis quibuſcunque perſonaliter intereſſe, cum cæteris Paribus, & aliis, de Regni negotiis conſulere, Tractare, Ordinare, Statuere, & definire ac cætera facere quæ Parliamenti tempore ibidem imminent facienda,* holding of our Lord the King by Baronage, to be perſonally preſent in all Parliaments of the King, together with the reſt of the Barons and others, to Conſult, Treat, Order, Appoint and Determin of the Affairs of the Kingdom, and to do all other things which in the time of Parliament were there to be done. And it is plain the King, Temporal Barons and Commons allowed they had this Right. But it being a troubleſome time, the Kings Miniſters being to be Impeached in that Parliament, which was called *Parliamentum ſine Miſericordia,* becauſe the King gave up all his Court Miniſters to be Sacrificed to the Animoſities of the Potent Faction of the Lords, binding himſelf not to pardon any without their conſent, the Biſhops were willing to get out of harms way, aud therefore pleaded the Canons in excuſe. And poſſibly both ſides might have their ſeveral ends in conſenting to this proteſtation, the King, that ſo he might call in Queſtion the Acts done without them, as it happened 21. *R.* 2. when all done in this Parliament, was Repealed and made void for this Reaſon: the Lords, might conſent to the Biſhops withdrawing, that ſo their Affairs might proceed without oppoſition againſt the Kings Miniſters. But however as before theſe Canons being not the Law of the Land, neither then nor now could be no real Barr to their Right. Nor did they upon other occaſions think them ſo, as appears by ſeveral Inſtances beforementioned upon the ſecond Poſition.

Object. 3. It is Objected in the third place, That there was a Parliament held 25 *E.* 1. at St. *Edmonds-Bury, Excluſo clero.* And notwithſtanding many good Laws were there made; and that upon this Caſe in *Kelway*'s Reports, it is ſaid to be the Opinion of the Judges, that the King may hold his Parliament without the Biſhops.

To this it is anſwered, Firſt, That it is but one ſingle Inſtance, and an Extraordinary Caſe, and that it is not only ill, but dangerous arguing and concluding univerſally from one ſingle preſident, for if a Parliament may be good without one Eſtate, why not without another? and according to their Poſition who make the King, Lords and Commons the three Eſtates, any one of the three may be Excluded upon the ſame reaſon. Secondly, The Biſhops in this Parliament were not Excluded by the King and the other two Eſtates, but by their own voluntary action. And the occaſion of it was a Bull of Pope *Boniface* the 8. prohibiting the Clergy to give any more Subſidies, which whatever Influence it had then, can have none upon the Biſhops ſince the Reformation.

And whereas it is ſaid many good Laws were made in that Parliament never ſince queſtioned, it is evident by the Rolls that all that was done in that Parliament was the granting of a 12*th.* by the Laity to the King.

As for *Kelway*'s reaſon in his Reports that they might be excluded, becauſe they have no places in Parliament by reaſon of their Spiritualty, but only by reaſon of their Temporal Baronies, it will hold as well againſt the other Barons. And that this is but one Preſident of a Parliament without Biſhops, againſt a Multitude of others, wherein they were preſent. *Et conſuetudo Parlamenti eſt Lex Parlamenti,* and that Law is the Law of the Land.

Object. 4. It is Objected, That if they were a diſtinct Eſtate, they would have a diſtinct Negative. I think the beſt anſwer to this is the former, that *Conſuetudo Parlamenti eſt lex Parlamenti,* and though former Parliaments have ever owned them a diſtinct Eſtate, yet as the Author obſerves, they ſit there now not in their Spiritual Capacity, as formerly in the *Saxon* times before Baronies, but in their Temporal Capacities as Barons by Tenures, and they have ever Voted in Common with the other Lords, according to Cuſtom of Parliament, which is the Law of Parliament.

Object. 5. In the laſt place it is Objected, if they were Peers of the Realm, they would according to *Magna Charta* be tried by their Peers, but they are in Capital Caſes tried by Juries of the Commons.

Antiq. Brit. p. 223. *Rot. Par.* 15. *E.* 3. *n.* 7.

To this it is anſwered, Firſt, That they have challenged and had this Priviledg in Parliament. So *John Stratford* Arch-Biſhop of *Canterbury*, *tanquam major par Regni poſt Regem, & vocem primam in Parliamento habere debens*, put himſelf upon Trial by his Peers, and after great debate it was at length reſolved, that the Peers ſhould be tried only by Peers in Parliament, and he had appointed to examin the Articles againſt him, 4 Biſhops *viz. London*, *Hereford*, *Bath* and *Exceter*, 4 Earls, *Arundel*, *Salisbury*, *Huntington* and *Suffolk*, 4 Barons, *Percy*, *Wake*, *Baſſet* and *Nevil.* After which he was admitted to anſwer for himſelf in Parliament *devant les Piers*, before his Peers.

21. *R.* 2.

21. *R.* 2. *Tho. Arundel* Arch-Biſhop of *Canterbury* was Impeached of High-Treaſon before the King and Lords in Parliament. The Kings anſwer was, that foraſmuch as this Impeachment did concern ſo High a Perſon, & *Pier de Son Roialm*, a Peer of the Realm, he would be adviſed. But ſoon after he was condemned for Treaſon by the Houſe, the Proxy of the Biſhops, Sir *Thomas Percy* giving his Vote for them.

Secondly, Temporal Barons have not always been tried by their Peers, for 28. *H.* 6. *William de la Poole* Duke of *Suffolk* waved being tried by his Peers, and ſubmitted to the Kings mercy, upon which the Lords Temporal and Spiritual entred a Proteſtation that this ſhould not be, or turn to the prejudice of them, their Heirs, nor Succeſſors in time coming, but that they might enjoy their freedom in caſe of their Peerages as largely as their Anceſtors and Predeceſſors had done.

*Rot.Par.*4.*E.*3.

Thomas Lord *Berkley* being Arraigned for the Death of King *E.* 2 before the Parliament, put himſelf upon his Countrey, and the Jury brought him in not Guilty.

Thus far the Learned Author, from whom for the Readers eaſe and ſatisfaction in this important particular, I have made theſe ſhort Collections, and refer the more Curious to the Book it ſelf.

Thurſday, October 28.

I ſhould have given the Reader an account before of the great Complaints of the City againſt Protections; but here I preſent him with the Report which Mr. *Reynolds* made in the Houſe of Commons upon that Subject, which was,

Report in the Houſe of Commons concerning the Complaint of the City about Protections, &c.

“ That the City of *London* did heretofore preſent a Petition in the
“ Name of the whole City, complaining of Protections and Priviledges
“ claimed by Members of both Houſes, and by the Kings and Queens
“ Servants, and having no Redreſs by their Petition, they called a Com-
“ mon Councel; and upon a long Debate among themſelves, they did
“ agree unanimouſly, * *That this Grievance was greater and more preju-*
“ *dicial to the City and the whole Kingdom, than that of Salt, Soap, Lea-*
“ *ther, and Ship-Money.* Thereupon they did agree to Addreſs them-
“ ſelves by way of a ſecond Petition to this Houſe; and that Petition
“ was referred to a *Committee* to Regulate Protections; this was done
“ 6 *July* laſt, and during the Sitting of that *Committee* they attended
“ there two or three times, and preſented a Book in Folio, of the Mem-
“ bers of this Houſe, that have granted Protections, as alſo the Names of
“ thoſe of the Kings, Queens, and Princes Servants, that were Protected:
“ Upon all which they grounded their Complaint, which Complaint
“ was there preſented in Writing. And it was the Opinion of the *Com-*
“ *mittee*, That it ſhould be read in the Houſe at this time of the Report,
“ being Reaſons tendred by the *Committee* appointed by the Common-
“ Councel of the City of *London* againſt Protections, Priviledges, and
“ Priviledged Places, &c. Upon the Reaſons mentioned in the Paper,
“ and upon other Conſiderations, and after a long Debate, and being a
“ tender

* This deſerves to be taken Notice of; for by this, it is Eaſy to conjecture, the Grievances of the Nation were aggravated far more then in truth they deſerved.

October, 1641.

“ tender point to trench upon the Priviledges of Parliament, they pro-
“ ceeded unto theſe two *Votes*, which they commanded me to Re-
“ port:

(1.) *That all the Members of this Houſe ſhould be pleaſed during the pleaſure of this Houſe, to wave all Protections for their Menial Servants or others.*

(2.) *That during the Pleaſure of this Houſe, all the Lands, Eſtates and Goods of every Member of this Houſe ſhould be Lyable to the Payment of juſt Debts.*

But for all the Complaints of the City, and the greatneſs of the Grievance, which Exceeded all the Monopolies of Salt, Soap, Leather, and Ship-Money put together, this was a point ſo neceſſarily tender, that they made very ſlow ſteps toward the Redreſſing of it, or joyning with Mr. *Reynolds* and his *Committee* in their Votes. And nothing further was at preſent done in it more than barely to give the Complaint a hearing. Had the King, Queen and Prince only been concerned in Protections, it had immediately been Voted Illegal, Unjuſt, againſt the Liberty of the Subject, &c. but it too nearly concerned ſome of them to comply with the Votes of the *Committee*; for if they had, particularly I inſtance in the late infamous Uſurper *Oliver Cromwell*, inſtead of Sitting in the Commons Houſe, they were in danger to take up their Lodgings in a Common Priſon: For had he and many others in the Houſe made all their Lands, Eſtates and Goods lyable to the payment of their juſt debts, they would have been quickly found Bankrupts in Eſtate then, as much as they were afterwards in Honeſty and Reputation; and unleſs the Charity of the Faction who obtruded them upon the People for Repreſentatives, had maintained them out of the Common Stock, they muſt have wanted Bread, as well as they who ſet them up would have wanted Inſtruments to carry on their Bleſſed Work of Reformation, which in reality was by many of theſe hungry and broken Fortunes, only to Eſtabliſh their own out of the Ruins of the Church.

Order to Enter only upon Publick buſineſs.

And therefore to cut off all further Trouble on that ſide, by letting this Affair and Complaint of the City ſleep *ſine die*, It was the 28 of *October* Ordered, *That in regard of the Weighty and Important Matters in agitation in the Houſe, this Houſe will not enter upon any private Matters, but into Publick Buſineſs only, till further Order, and this* Order *to be Printed and Publiſhed, that ſo all perſons may take Notice of it, and regulate themſelves accordingly.*

Committee to prepare Heads for a Petition to the King againſt Evil Councellors, &c.

And the truth is, they were now deep upon Conſultation of the Fatal Point which Uſhered in the Rebellion, and not only this, but many others in former Ages; for a *Committee* was appointed to prepare Heads out of the whole Debate that has been this day, for a Petition to be preferred to his Majeſty, *To prevent the Miſchiefs that may happen to the Common-Wealth by the Choice and Imployment of Evil Councellors, Ambaſſadors, Judges, Officers and other Miniſters of State, and they are to meet this Afternoon at* 4. *of the Clock in the Exchequer Chamber, and have Power to ſend for Parties, Witneſſes, Papers and Records, and any thing elſe that may conduce to the Service.*

Friday, October 29.

This day the Certificate of the Two Chief Juſtices in the Caſe of *Cook* and *Blackſton*, referred to them by Order of the Houſe of Lords, was Read, *viz.*

May

A Caſe about Superinduction to a Rectory before the Lords.

May it pleaſe your Lordſhips,

According to your Lordſhips Order of the 9th of September *laſt touching the buſineſs between* John Cook, *Clerk, Plaintiff, and* Benjamin Blackſton *Defendant; We have heard the Parties and their Councel on both ſides, And we find, that the ſaid* John Cook *was Preſented, Inſtituted and Inducted into the Rectory of* Weſt Thorney *in* Suſſex, *after the Death of* Godfrey Blackſton *former Incumbent there, who died in the Month of* January 1637. *And that Mr.* Blackſton *procured a Super-inſtitution to this Church, and by colour thereof hath gotten the Poſſeſſion from Mr.* Cook. *We are of Opinion, That the Super-inſtitution of Mr.* Blackſton *is void, and that Mr.* Cook *ought to be reſtored to his Poſſeſſion, and to hold the ſame quietly untill he ſhall be Evicted by Courſe of Law. And we think fit that Mr.* Blackſton *ſhould be left to his Remedy and Courſe at Law to try his Title to the ſame Church, and for ſuch Wrongs as he ſuppoſeth that Mr.* Cook *hath done unto him; And that Mr.* Cook *be left alſo to his Remedy and Courſe in Law for ſuch Wrongs and Damages as he doth Alledg that Mr.* Blackſton *hath done unto him: All which we humbly ſubmit to your Lordſhips Wiſdom.*

25 October, 1641.

John Bramſton,
John Bankes.

The Order of the Lords upon it.

Upon this the Houſe Ordered, *That the Poſſeſſion of the Rectory of* Weſt Thorney, *ſhall be ſetled upon the ſaid* John Cook, *according to the aforeſaid Certificate, and that the Sheriff and Juſtices of the Peace, ſhall give him Poſſeſſion, and continue him quietly in the ſame, until he ſhall be evicted by Courſe of Law; and that the reſt of the Certificate is hereby fully confirmed, and Mr.* Blackſton *left to his Remedy and Courſe of the Law, to try his Title to the ſame Church.*

The Tryal of Judge *Berkley* put off.

A Meſſage was brought from the Houſe of Commons by Mr. *Perpoint* to let their Lordſhips know, *That by reaſon many of their Witneſſes are in Places remote, ſo as they cannot be ready for the Tryal of Mr. Juſtice* Berkley, *on the ſecond of* November *next, therefore the Deſires of the Houſe of Commons are, that their Lordſhips would be pleaſed to take the ſame into Conſideration, and put the Tryal off for ſome Longertime,* whereupon it was,

Ordered, *That the Day of Tryal of Mr. Juſtice* Berkley *is put off from the Day appointed, until this Houſe gives further Order herein, and Mr. Juſtice* Berkley *is to have ſpeedy Notice hereof.*

In the Commons Houſe it was this day Ordered, *That the Orders concerning the Soldiers to depart the Town, ſhall be Printed and Publiſhed, as alſo the Orders made by the Lord General, the Lords alſo Aſſenting.*

An Order of Commons to make ſuch as they voted Delinquents, Eſtates forfeited.

A Committee was alſo appointed, to preſent the Names of thoſe Perſons that are Voted Delinquents by this Houſe, to the end, the Houſe may preſent ſuch of their Names, as they ſhall think fit to the Lords, whereby their Eſtates may be lyable for their Offences.

Debate in the Houſe of Commons concerning the five new Biſhops.

Then the Houſe fell into Debate concerning the *Conge d' Eſlires*, for the making of the five New Biſhops, and upon the Queſtion the Houſe was divided, with the Yeas were 71, with the Noes 53.

Whereupon a Committee was appointed to prepare Heads for a Conference with the Lords, to deſire them to joyn with this Houſe, in a Petition

October, 1641.

Saturday, October 30. Report of the Conference about the Safety of the Kingdom, *&c.*

tition to his Majeſty, to ſtay the making of the five Biſhops, until further Conſideration be had by both Houſes.

The Lord Keeper reported the Conference with the Commons touching the Safety of the Kingdom and the Security of the Princes Perſon to this Effect.

That the Houſe of Commons are full of Tenderneſs of the King's Honor, Duty to the King's Perſon and his Poſterity; It was ſaid that it was not News now a-Days to hear of dangerous Deſigns, they having newly diſcovered ſome more, therefore the Houſe of Commons have Reaſon to look into every Corner whence Danger may come.

And upon Information, the Houſe of Commons underſtands, that of late the Prince hath been much from his own Houſe at Oatlands, *out of the Cuſtody of his Governor; they do not doubt of the Motherly Affection and Care of the Queen towards him, but there are dangerous Perſons at* Oatlands, *Prieſts and Jeſuits, as hath of late appeared by ſome Examinations taken, and ſome of them are ſent for by the Houſe of Commons.*

Upon theſe Reaſons, the Houſe of Commons deſires, That a Meſſage be ſent to the Lord Marquiſs of Hertford *from both Houſes of Parliament, That he ſhould forthwith take the Prince into his Cuſtody and Charge, and attend upon him in Perſon, and deſire, that the Prince may make his Ordinary Abode and Reſidence at his own Houſe at* Richmond, *and that his Lordſhip will place ſuch Perſons about him, as he will be anſwerable for, to both Houſes.*

Whereupon it was Reſolved, *To ſend the Lord Chamberlain to the Lord Marquiſs of* Hertford, *and the Earl of* Holland, *to acquaint the Queen herewith, and to preſent Her Majeſty the Reaſons of it.*

Votes about the Soap Buſineſs in the H. of Commons.

In the Houſe of Commons Mr. *King* reports the Caſe of the Soap Buſineſs. Whereupon it was,

Reſolved upon the Queſtion,

That all thoſe who made the Decree in the Star-Chamber are Delinquents.

Reſolved, *&c.*

That the Proclamation dated 26. Januarii 1633. *made in purſuance of the Decree of Star-Chamber of the* 23 *of* Auguſt 1633. *for regulating the Trade of Soapers, and two other Proclamations, the one dated* 13 July 1634. *and the other dated the* 25 January 1634 *concerning Soapers, are illegal, and tend to the Subverſion of the Laws of this Realm, and are againſt the Liberty of the Subject.*

Reſolved, *&c.*

That the Orders of the Council-Board of 29th *of* September 1634. *of the* 24 *of* November 1634. *of the* 29th *of* July 1635. *concerning the Soapers, and of the* 18 *of* December 1636. *for a Commiſſion to Sir* John Hales *Knight, and* John How *Eſquire, and the Dormant Warrant of the One and Thirtieth of* December 1636. *to ſuch of the Soapers of* Weſtminſter, *were Illegal and againſt the Liberty of the Subject.*

Reſolved, *&c.*

That all who Signed the Warrants were Delinquents.

Reſolved, *&c.*

That the reſtraining of the Subjects Perſons, the Examination of them upon Oath againſt themſelves, the impoſing of Fines upon them, and the Sharing of thoſe Fines by Colour of the Order of the Council-Table dated the 10 *of* December 1636. *and a pretended Commiſſion directed unto Sir*

Sir John Hales *Knight and* John How *Eſquire are Illegal, and a Grievance to the Subject, and the ſame were put in Execution by the ſaid Sir* John Hales, John How *and Corporation of Soapers of* Weſtminſter, *and their Officers, and they for the doing thereof, are Delinquents, and ought to make amends to the Parties damnified thereby.*

Reſolved, &c.

That the Matter agreed upon by the Indentures of Covenants dated the 12th *of* April 1636. *made between the King, and Sir* Henry Compton, *and the reſt of the Soapers of* Weſtminſter, *are Illegal, and a great Grievance to the Subject, and of dangerous Conſequence in the Execution.*

Reſolved, &c.

That theſe ſeveral Parties, (viz.) *That were Covenanters with the King, by the Indenture of Covenant dated the* 12th *of* April 1636. *are Delinquents, and ought to make Amends to the Common-Wealth, and to all ſuch as after theſe Covenants entred into, were reſtrained the Uſe of their Trades of making Soap, or ſuſtaining any Loſs in their Fats, Panns, or otherwiſe, by occaſion of the Corporation of* Weſtminſter.

Reſolved, &c.

That the Obligation entred into by the Soapers of London, *to his Majeſty upon their Deliverance out of Priſon, upon the Sentence of Star-Chamber, conditioned, that they would not make any more Soap, without the Licenſe of the Corporation of* Weſtminſter, *were Illegal, and contrary to the Liberty of the Subject.*

Reſolved, &c.

That Sir John Hales, Francis Plowdon, Fitz Williams Coniſby, Edmund Windham, John Gifford, George Vaughan, Stradlings, *ſhall be ſent for as Delinquents, by the Serjeant at Arms attending this Houſe.*

Delinquents about the Soap-Patent ſent for by the Serjeant at Arms.

It was Ordered, *That according to the Order of the Ninth of* November *laſt, Mr.* Fitz Williams Coniſby *ſhall be expelled this Houſe, he being a Monopoliſt, and that the Speaker Iſſue out a Warrant to the Clerk of the Crown, for a Writ for a new Election for a Member to ſerve for the County of* Hertford *in his Place.*

Mr. *Coniſby* expelled for a Monopoliſt.

It was alſo Ordered, *That Doctor* Burgeſs *ſhall be deſired to Preach before this Houſe upon the Fifth of* November.

Burgeſs to Preach before the Commons *November* 5th.

Monday, Novemb. 1. The News of the *Iriſh* Rebellion which broke out upon *Saturday October* 23.

This day the Lord Keeper informed the Houſe of Lords, *That the Lord Lieutenant General of* Ireland, *having yeſterday Morning received a Pacquet of Letters and Examinations, from the Juſtices and Council of* Ireland, *diſcovering an Inſurrection and Treaſon in that Kingdom, and that the Rebels have already committed divers Murders, and fired Houſes, and Villages of the Proteſtants there. Upon this the Privy-Council met at* White-Hall; *and conſidering it to be a Matter of ſo great Importance, thought it not fit to omit any Opportunity, nor looſe Time, therefore becauſe this Houſe was appointed not to ſit until this Afternoon;* * *the Lords of the Council (as Privy Counſellors) thought it expedient to communicate the ſame ſpeedily to the Houſe of Commons: and this Morning in a full Houſe, their Lordſhips in Perſon cauſed the Letters and Examinations concerning the Buſineſs, to be publickly read unto them, and deſired the Houſe of Commons to take the ſame into Conſideration.*

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* The L. Keeper, the L. P. Seal, L. High Chamberlain, E. Marſhal, L. Admiral, L. Chamberlain, E. of *Bath*, E. of *Dorſet*, E. of *Leiceſter*, E. of *Warwick*, E. of *Holland*, E. of *Berks*, E. of *Briſtol*, L. Viſcount *Say* and *Seal*, L. *Mandeville*, L. *Goring*, L. *willmot*, acquaint the Commons with the *Iriſh* Rebellion. After they had ſtaied a little, Chairs were brought them, and the Speaker deſired them in the Name of the Houſe, to ſit and be covered.

Hereupon the Letters and Examinations were read ; firſt a Letter which was ſent from the Council of *Ireland*, to the Lord Lieutenant General as follows.

May it pleaſe Your Lordſhip,

The Letter from the Council of *Ireland* to the Lord Lieutenant General of the Diſcovery of the *Iriſh* Rebellion.

'ON *Friday* the 22th of this Month after Nine of the Night, this Bearer *Owen Connelly* Servant to Sir *John Clotworthy* Knight, came to me the Lord Chief Juſtice *Parſons*, to my Houſe, in great ſecreſie, as indeed the Caſe did require, and diſcovered unto me a moſt wicked and damnable Conſpiracy plotted and contrived, and intended to be alſo acted by ſome evil affected *Iriſh* Papiſts here.

'The Plot was on the, then, next Morning, *Saturday* the 23 of *October*, being * *Ignatius* Day, about Nine of the Clock to ſurprize His Majeſties Caſtle of *Dublin*, His Majeſties chiefeſt ſtrength of this Kingdom, wherein alſo is the principal Magazine of His Majeſties Arms, and Munition : And it was agreed, it ſeems, among them, that at the ſame hour all other His Majeſties Forts and Magazines, of Arms and Munition in this Kingdom ſhould be ſurpriſed by others of the Conſpirators. And further, That all the Proteſtants and *Engliſh* throughout the whole Kingdom that would not joyn with them, ſhould be cut off, and ſo thoſe Papiſts ſhould then become poſſeſſed of the Government, and Kingdom at the ſame Inſtant.

* *Ignatius Loyola*, not the Martyr *Ignatius*, the Tutelar St. of *Romiſh* Rebels.

'As ſoon as I had that Intelligence, I then immediately repaired to the Lord Juſtice *Borlace* ; and thereupon we Inſtantly Aſſembled the Council, and having ſat in Council all that night, as alſo all the next day, the 23 of *October*, in regard of the ſhort time left us for the Conſultation of ſo great and weighty a matter, although it was not poſſible for us, upon ſo few hours warning, to prevent thoſe other great miſchiefs, which were to be acted even at that ſame hour, and that at ſo great diſtance as in all the other parts of the Kingdom ; yet ſuch was our induſtry therein, having cauſed the Caſtle that Night to be ſtrengthned with Armed Men, and the City Guarded, as the wicked Councels of thoſe Evil Perſons, by the great Mercy of God to us, became defeated, ſo as they were not able to act that part of their Treachery, which indeed was principally intended, and which, if they could have effected, would have rendred the reſt of their Purpoſes the more eaſie.

'Having ſo ſecured the Caſtle, we forthwith laid about for the Apprehenſion of as many of the Offenders as we could, many of them having come to this City but that night, intending, it ſeems, the next morning to act their Parts in thoſe Treacherous and Bloody Crimes.

'The firſt man apprehended was one *Hugh Mac-Mahon* Eſq; Grand-ſon to the Traytor *Tyrone*, a Gentleman of a good fortune in the County of *Monoghan*, who with others, that morning was taken in *Dublin*, having at the time of their apprehenſion offered a little reſiſtance with their Swords drawn ; but finding thoſe we imployed againſt them more in Number, and better Armed, yielded ; He upon Examination before us, at firſt denied all, but in the end, when he ſaw we laid it home to him, he confeſſed enough to deſtroy himſelf, and impeach ſome others, as by a Copy of his Examination herewith ſent may appear to your Lordſhip. We have committed him, until we might have further time

Novem. 1641.

'to Examine him again, our time being become more needful to be imployed in Action for ſecuring the Place, then in Examining.

'This Mr. *Mac-Mahon* had been abroad, and ſerved under the King of *Spain* as a Lieutenant Colonel, upon Conference with him and others, and calling to mind a Letter which we received before from Sir *William Cole*, a Copy whereof we ſend your Lordſhip here incloſed, we gathered that the Lord *Mac-guire* was to be an Actor in ſurprizing the Caſtle of *Dublin*; wherefore we held it neceſſary to ſecure him immediately, thereby alſo to ſtartle and deterr the reſt, when they found him laid faſt. His Lordſhip, obſerving what we had done, and the City in Arms, fled from his Lodging early before Day, it ſeems diſguiſed, for we had laid a Watch about his Lodging, ſo as we think he could not paſs without diſguiſing himſelf, yet he could not get forth of the City, ſo ſurely Guarded were all the Gates.

'There was found at his Lodging hidden ſome Hatchets, with the Helves newly cut off cloſe to the Hatchets, and many Skenes, and ſome Hammers.

'In the end, the Sheriffs of the City, who were imployed in a ſtrict ſearch of his Lordſhip, found him hidden in a Cock-loft, in an obſcure Houſe, far from his Lodging, where they apprehended him, and brought him before us.

'He denied all, yet ſo as he could not deny but he had heard of it in the Country, though he would not tell us when, or from whom; and confeſſed that he had not advertiſed us thereof, as in duty he ought to have done: But we were ſo well ſatisfied of his Guilt by all Circumſtances, as we doubted not, upon further Examination, when we could be able to ſpare time for it, to find it apparent.

'Wherefore we held it of abſolute neceſſity to commit him cloſe Priſoner, as we had formerly done *Mac-Mahon* and others, where we left them on the 23 of this Month in the morning, about the ſame hour they intended to have been Maſters of that Place, and the City.

'That morning we laid wait for all thoſe ſtrangers that came the night before to Town, and ſo many were apprehended, whom we find reaſon to believe to have hands in this Conſpiracy, that we were forced to diſperſe them into ſeveral Goals; and ſince we found, that there came many Horſemen into the Suburbs that night, who, finding the Plot diſcovered, diſperſed themſelves immediately.

'When the hour approached, which was deſigned for the ſurpriſing the Caſtle, great numbers of Strangers were obſerved to come to the Town in great Parties ſeveral Ways, who not finding admittance at the Gates, ſtayed in the Suburbs, and there grew ſo numerous, to the Terror of the Inhabitants.

'We therefore to help that, drew up, and inſtantly Signed a Proclamation, Commanding all Men, not dwellers in the City or Suburbs, to depart within an hour upon pain of Death; and made it Pænal to thoſe that ſhould harbour them, which Proclamation the Sheriffs immediately Proclaimed in all the Suburbs, by our Commandment, which being accompanied with the Committal of thoſe two Eminent Men, and others, occaſioned the departure of theſe multitudes; and in this caſe, all our Lives and Fortunes, and above all, His Majeſties Regal Power and Authority being ſtill at ſtake, we muſt vary from ordinary Proceedings not only in Executing Martial Law, as we ſee Cauſe,

Novem. 1641.

‘but alſo in putting ſome to the Rack, to find out the Bottom of this ‘Treaſon, and the contrivers thereof, which, we foreſee, will not otherwiſe be done.

‘On that 23 of this Month, we, conceiving, that as ſoon as it ſhould ‘be known, that the Plot for ſeizing the Caſtle of *Dublin* was diſappointed, all the Conſpirators in remote Parts might be ſomewhat diſheartned, as on the other ſide the good Subjects would be comforted, ‘and would then with the more Confidence ſtand on their Guard, did ‘prepare to ſend abroad to all Parts of the Kingdom this Proclamation, ‘which we ſend you here incloſed; and ſo having provided that the ‘City and Caſtle ſhould be ſo well Guarded, as upon the ſudden we ‘could, we concluded that long Council.

‘On *Saturday* Twelve of the Clock at night the Lord *Blaney* came ‘to Town, and brought us the ill news of the Rebels ſeizing, with two ‘hundred Men, his Houſe at *Caſtle-Blaney* in the County of *Monoghan*, ‘as alſo a Houſe of the Earl of *Eſſex*'s, called *Carrick-Macroſs*, with ‘200 Men, and a Houſe of Sir *Henry Spotwood*'s, in the ſame County ‘with 200 Men; where there being a little Plantation of *Britiſh*, they ‘plundered the Town, and burnt divers Houſes; and ſince it appears, ‘that they burnt divers other Villages, and robbed and ſpoiled many ‘*Engliſh*, and none but Proteſtants, leaving the *Engliſh* Papiſts untouched, as well as the *Iriſh*.

‘On *Sunday* morning, at three of the Clock, we had intelligence from ‘Sir *Arthur Terringham*, that the *Iriſh* in the Town had that day alſo broken up the King's Store of Arms and Munition at *Newry*, where ‘the Store for Arms hath been ever ſince the Peace; where they found ‘70 Barrels of Powder, and Armed themſelves, and put them under ‘the Command of Sir *Con Magenis* Knight, and one *Creedly* a Monk, ‘and plundered the *Engliſh* there, and diſarmed the Garriſon.

‘And this, though too much, is all that we yet hear is done by ‘them: However, we ſhall ſtand upon our Guard the beſt we may to ‘defend tho Caſtle, and City principally, thoſe being the places of moſt ‘importance.

‘But, if the Conſpiracy be ſo univerſal as Mr. *Mahon* ſaith, in his Examination, it is, namely That all the Counties of the Kingdom have ‘Conſpired in it, which we admire ſhould ſo fall out in this time of ‘univerſal Peace, and carried with that ſecreſie, that none of the *Engliſh* ‘could have any Friend among them to diſcloſe it, then indeed we ſhall ‘be in high Extremity, and the Kingdom in the greateſt danger that ‘ever it underwent; conſidering our want of Men, Mony and Arms, ‘to enable us to encounter ſo great multitudes as they can make, if all ‘ſhould ſo joyn againſt us, the rather becauſe we have pregnant cauſe ‘to doubt, that the Combination hath taken force by the incitement of ‘the Jeſuits, Prieſts and Friars.

‘All the hope we have here, is, That the *Engliſh* of the Pale, and ſome ‘other Parts, will continue conſtant to the King in their Fidelity, as ‘they did in former Rebellions.

‘And now in theſe ſtraits, we muſt, under God, depend on Aid forth ‘of *England* for our preſent ſupply with all ſpeed, eſpecially Mony, we ‘having none, and Arms, which we ſhall exceedingly want; without ‘which we are very doubtful what account we ſhall give to the King ‘of this Kingdom.

But

Novem. 1641.

'But if the Conſpiracy be only of *Maguire*, and ſome other *Iriſh* of the Kindred and Friends of the Rebel *Tyrone*, and other *Iriſh* of the Counties of *Down*, *Monogham*, *Cavan*, *Fermanagh* and *Armagh*, and no general Revolt following thereupon, we hope then to make Head againſt them in a reaſonable Meaſure, if we be inabled with Money from thence, without which, we can raiſe no Forces; ſo great is our want of Mony, as we formerly have Written, and our Debt ſo great to the Army; nor is Money to be borrowed here, and if it were, we would Engage all our Eſtates for it; neither have we any hope to get in his Majeſties Rents and Subſidies in theſe Diſturbances, which adds extremely to our Neceſſities.

'On *Sunday* Morning the 24*th*, we met again in Council, and ſent to all parts of the Kingdom the incloſed Proclamation, and Iſſued Patents to draw hither ſeven Horſe Troops, as a further ſtrength to this Place; and to be with us, in caſe the Rebels ſhall make Head and march hitherward, ſo as we may be neceſſitated to give them Battel.

'We alſo then ſent away our Letters to the Preſidents of both the Provinces of *Munſter* and *Connaght*, as alſo to the Sheriffs of five Counties of the Pale, to conſult the beſt way and means of their own preſervation.

'That day the Lord Viſcount *Gormanſtoun*, the Lord Viſcount *Netterville*, the Lord Viſcount *Fitz-Williams*, and the Lord of *Lowth*, and ſince the Earls of *Kildare* and *Fingal*, and the Lords of *Dunſany* and *Slane*, all Noblemen of the *Engliſh* Pale, came unto us, declaring, That they then, and not before heard of the matter, and profeſſed all Loyalty to His Majeſty, and Concurrence with the State; but ſaid, they wanted Arms, whereof they deſired to be ſupplied by us, which we told them we would willingly do, as relying much on their faithfulneſs to the Crown; but we were not yet certain whether, or no, we had enough to Arm our ſtrengths for the guarding of our City and Caſtle: yet we ſupplied ſuch of them as lay in moſt danger, with a ſmall proportion of Arms and Ammunition for their Houſes, leſt they ſhould conceive we apprehended any Jealouſie of them; and we commanded them to be very diligent in ſending out Watches, and making all the Diſcoveries they could, and thereof to advertiſe us, which they readily promiſed to do.

'And if it fall out that the *Iriſh* generally riſe, which we have cauſe to ſuſpect, then we muſt of neceſſity put Arms into the hands of the *Engliſh* Pale in preſent, and others as faſt as we can, to fight for the defence of the State and themſelves.

'Your Lordſhip now ſees the Condition wherein we ſtand, and how neceſſary it is, firſt, That we enjoy your Preſence ſpeedily, for the better guiding of theſe and other Publick Affairs of the King and Kingdom: And ſecondly, That the Parliament of *England* be moved immediately to advance to us a good Sum of Mony, which being now ſpeedily ſent hither, may prevent the expence of very much Treaſure and Blood, in a long continued War. And if your Lordſhip ſhall happen to ſtay on that ſide any long time, we muſt then deſire your Lordſhip to appoint a Lieutenant General to diſcharge the great and weighty burthen of commanding the Forces here.

'Amidſt theſe confuſions, and diſorders fallen upon us, we bethought us of the Parliament, which was formerly Adjourned to *November*

‘ next, and the Term now alſo at hand, which will draw ſuch a concourſe of People hither, and give opportunity under that pretence of Aſſembling and taking new Councils, ſeeing the former ſeems to be in ſome part diſappointed, and of contriving further danger to this State and People; We therefore found it of unavoidable neceſſity to Prorogue the Parliament to the *24th* day of *February* next, and therefore we did by Proclamation Prorogue it accordingly, and do direct the Term to be Adjourned to the firſt of *Hillary* Term, excepting only the Court of *Exchequer*, for the haſtening in the King's Money.

‘ We deſire that upon this occaſion your Lordſhip will be pleaſed to view our Letters concerning the Plantation of *Connaght*, dated the *24th* of *April* laſt, directed to Mr. Secretary *Vane* in that part thereof which concerns the County of *Monoghan*, where now theſe fires do firſt break out.

‘ In the laſt place, we muſt make known to your Lordſhip, That the Army we have, conſiſting but of 2000 Foot, and 1000 Horſe, are ſo diſperſed in Garriſons in ſeveral Parts of the four Provinces, for the ſecurity of thoſe Parts, as continually they have been ſince they were reduced, as if they be all ſent for to be drawn together, not only the Places where they are to be drawn from, and for whoſe ſafety they lye there, muſt be, by their abſence, diſtreſſed, but alſo the Companies themſelves coming in ſo ſmall numbers, may be in danger to be cut off in their march; nor indeed have we any mony to pay the Soldiers, to enable them to march. And ſo we take leave, and remain

Your Lordſhips to be Commanded

From His Majeſties Caſtle of *Dublin* 25 *Oct.* 1641.

William Parſons,
John Borlaſe,
Robert Boulton, Canc.

J. Dillon, *Ro. Digby,*
Anth. Midenſis, *Adam Loftus,*
Jo. Raphoe, *Jo. Temple,*
Thomas Rotherham, *Gerrard Lowther,*
Fra. Willoughby, *George Wentworth,*
Jo. Ware, *Ro. Meredith.*

Poſtſcript.

‘ The ſaid *Owen Connelly*, who revealed this Conſpiracy, is worthy of great Conſideration, to Recompence that Faith and Loyalty, which he hath ſo extremely to his own danger expreſſed in this buſineſs, whereby, under God, there is yet hope left us of Deliverance of this State and Kingdom, from the wicked purpoſes of thoſe Conſpirators: And therefore we beſeech your Lordſhip, that it be taken into Conſideration there, ſo as he may have a mark of His Majeſties moſt Royal Bounty, which may largely extend to him and his Poſterity, we being not now able here to do it for him.

William Parſons.

‘ As we were making up theſe our Letters, the Sheriff of the County of *Monoghan*, and Dr. *Teale*, having fled, came unto us, and informed 'us of much more Spoil committed by the Rebels, in the Counties of '*Monoghan* and *Cavan*, and that the Sheriff of the County of *Cavan*, 'joyns with the Rebels, being a Papiſt and Prime Man of the *Iriſh*.

William Parſons, *John Dillon,*
Robert Digby, *Adam Loftus,*

Then Sir *William Cole's* Letter which had given ſome Light to the Conſpiracy, was read as followeth.

Sir *William Cole's* Letter to the Lord-Juſtices of *Ireland*, juſt before the diſcovery of the Rebellion.

Right Honorable,

UPon Friday *laſt, Two of the Natives of this County, Men of good Credit, came to my Houſe, and informed me, that* Hugh Boy, *Mr.* Tirlagh, *Mr.* Henry O Neal *a Captain which came from* Flanders *about* May *laſt, hath ſince that time, had the chiefeſt part of his Reſidence in* Tyrone, *at or near Sir* Phelem Roe O Neal's *Houſe, to which Place, it hath been obſerved, there hath been more then an Ordinary or former Uſual reſort of People, ſo frequent, that it hath bred ſome Suſpition of Evil Intendments, in the Minds of ſundry Men of honeſt Inclinations: and theſe Gentlemen, my Authors do ſay, that they do hold no good Opinion of it, rather conſtruing an evil Intention to be the Cauſe thereof. For my own part, I cannot tell what to make, or think of it.*

The Lord Maguire *in all that time, as they inform me alſo, hath been noted to have very many private Journeys to* Dublin, *to the* Pale, *into* Tyrone, *to Sir* Phelim O Neals, *and many other Places this Year; which likewiſe gives diverſe of the Country Cauſe to doubt, that ſomething is in Agitation tending to no good Ends.*

Upon Saturday *laſt, one of the ſame Gentlemen came again to me, and told me, that as he was going Home the Day before, he ſent his Footman a nearer Way then the Horſe Way, who met with one of the Lord* Inskillins *Footmen, and demanded of him from whence he came? Who made Anſwer That he came from Home that Morning; and the other replying ſaid, You have made good haſt to be here ſo ſoon; to which he anſwered, That his Lord came Home late laſt Night, and writ Letters all that Night, and left not a Man in or about his Houſe, but he hath diſpatched in ſeveral Ways, and he hath ſent me this Way to* Tirlagh Oge, Mac Hugh, *and others alſo with Letters, charging them to be with his Lordſhip this Night, at his Houſe.*

Of which Paſſage, I would have given your Honors ſooner Notice, but that I deemed it fit to be ſilent, in Expectation that a little time, would produce ſome better Ground to afford me more Matter to acquaint your Honors withal.

Whereupon this Day I underſtood by one Hugh Mac-Guire, *that the ſaid* Tirlagh Oge, Mac Hugh, Con-Connaght, Mac-Shane, Mac Enabb, Mac Guire *and* Oghie O Hoſey *reported themſelves to have been appointed Captains by his Lordſhip to raiſe Men, and that he had the Nomination of ſeven other Captains to do the like, for to ſerve under the King of* Spain *in* Portugal; *and that one of the ſaid Captains, namely the ſaid* Con-Connaght *entertained twelve Men. What Authority or Commiſſion there is for this, is not here known, but it makes ſome of us, that are of the* Britiſh, *to ſtand in many Doubts and Opinions concerning the ſame; and the rather, for that thoſe three Men ſo named to be Captains, are broken*

Men in their Eſtates and Fortunes, two of them being his Lordſhips near Kinſmen; and that if any Evil be intended, they are conceived to be as apt Men to imbrace and help therein, as any of their Degrees in this Country.

Theſe Matters ſeem the more ſtrange unto me, for that they are ſo privately carried, and that upon Friday *laſt, I heard Sir* Frederick Hamilton *ſay, That the Colonels, that at my laſt being in* Dublin, *were raiſing of their Men to go for* Spain, *were ſince ſtayed by Command out of* England.

I have now therefore ſent this Bearer, purpoſely by theſe to make known to your Lordſhips what I have heard in this Buſineſs, which I humbly leave unto your Honors Conſideration, and deſiring to know your Pleaſures herein, with remembrance of my moſt humble Service unto your Lordſhips, I will end theſe, and be ever

Eniskillin 11th of
October 1641.

Your Lordſhips in all Duty
to be commanded
Wil. Cole.

Superſcribed,
To the Right Honorable, his Majeſties Lords Juſtices for the Kingdom of *Ireland*. Theſe, haſt, Preſent.

The Examination of Owen Connelly *Gent. taken before Us whoſe Names Enſue, the 22d. of* October, 1641.

The Depoſition of *Owen Connelly*, about the *Iriſh* Rebellion.

“ WHo being truly Sworn and Examined ſaith, That being at
“ *Monnimore* in the County of *London-Derry* on *Tueſday* laſt, he
“ received a Letter from Colonel *Hugh Oge Mac-Mahon*, deſiring him to
“ come to him to *Connogh* in the County of *Monoghan*, and to be with
“ him on *Wedneſday* or *Thurſday* laſt; Whereupon he this Examinat
“ came to *Connogh* on *Wedneſday* at Night laſt, and finding the ſaid *Hugh*
“ come to *Dublin*, followed him hither: He came hither about Six of
“ the Clock this Evening, and forthwith went to the Lodging of the
“ ſaid *Hugh*, to the Houſe near the *Boot* in *Oxmantown*, and there he
“ found the ſaid *Hugh*, and came with the ſaid *Hugh* into the Town
“ near the Pillory to the Lodging of the Lord *Mac-guire*, where they
“ found not the Lord within, and there they drank a Cup of Beer, and
“ then went back again to the ſaid *Hugh* his Lodging.

“ He ſaith, That at the ſaid *Mac-guires* Lodging the ſaid *Hugh* told
“ him, That there were and would be this Night, great Numbers of
“ Noblemen and Gentlemen of the *Iriſh* and Papiſts, from all the Parts
“ of the Kingdom in this Town, who with himſelf had determined to
“ take the Caſtle of *Dublin*, and poſſeſs themſelves of all his Majeſties
“ Ammunition there, to morrow Morning being *Saturday*; and that
“ they intended firſt to batter the Chimneys of the Town; and if the
“ City would not yield, then to Batter down the Houſes, and ſo to cut
“ off all the Proteſtants that would not joyn with them.

“ He ſaith further, That the ſaid *Hugh* then told him, That the *Iriſh*
“ had prepared Men in all the Parts of the Kingdom to deſtroy all the
“ *Engliſh* Inhabitants there to Morrow Morning by Ten of the Clock,
“ and that in all the Sea-Ports and other Towns of the Kingdom, all the
“ *Proteſtants*

“ *Proteſtants* ſhould be Killed this Night, and that all the Poſts that could be, could not prevent it.

“ And further ſaith, That he moved the ſaid *Hugh*, to forbear the Executing of that Buſineſs, and to diſcover it to the State, for the ſaving of his own Eſtate; who ſaid, That he could not help it; but ſaid, That they did ow their due Allegiance to the King, and would pay him all his Rights, but that they did this for the Tyrannical Government that was over them, *and to imitate* Scotland, *who got a Priviledg by that Courſe.*

“ And he ſaith further, That when he was with the ſaid *Hugh* in his Lodging the ſecond time, the ſaid *Hugh* ſwore that he ſhould not go out of his Lodging that Night, but told him, That he ſhould go with him the next Morning to the Caſtle, and ſaid if that Matter were diſcovered, ſome-body ſhould dye for it. Whereupon this Examinat feigned ſome Neceſſity for his Eaſement, and went down out of the Chamber, and left his Sword in Pawn; and the ſaid *Hugh* ſent his Man down with him, and when this Examinat came down into the Yard, finding an Opportunity, he this Examinat leaped over a Wall and two Pales, and ſo came to the Lord Juſtice *Parſons.*

William Parſons. *Owen O Connelly.*
Tho. Rotherham.
Robert Meredith.

The Examination of Hugh Oge Mac-Mahon *of* Connagh *in the County of* Monoghan *Eſquire, Aged* 35 *Years or thereabouts, taken before the Right Honourable the Lords Juſtices and Council.*

Mac-Mahon's **Examination and Confeſſion about the *Iriſh* Rebellion.**

“ THE ſaid Examinat ſaith, That he thinks there will be Trouble this Day throughout all the Kingdom of *Ireland*; and that all the Fortifications of *Ireland* will be taken this day, as he thinks: And he ſaith, That he thinks, that it is ſo far gone, by this time, that *Ireland* cannot help it; he ſaith he was told this by Captain *Bryan O Neal*; he ſaith, That Captain *Bryan O Neal*, and Captain *Hugh Burne* were deſigned for the Surprizing of the Caſtle of *Dublin*, and that if this Examinat were one for Surprizing the Caſtle of *Dublin*, thoſe Captains were principal therein: He ſaith, The place of meeting was to be at the Examinat's Lodging; He ſaith, That Twenty Prime Men of every County in *Ireland*, were to be at *Dublin* this laſt Night concerning this matter, and that they were to conſult of it this morning at the Examinat's Lodging; their Weapons were to be Swords and Skenes, and that the Captains that were raiſing Men in the *Iriſh* Countries, were they that ſhould bring men hither to ſecond the Buſineſs: He ſaith, When they had *Dublin*, they made ſure of the reſt, and Expected to be furniſhed with more Arms at *Dublin*; He ſaid, I am now in your hands, Uſe me as you will, I am ſure I ſhall be ſhortly revenged. And being demanded whether the Lord *Mac-guire* was one appointed to this Buſineſs, he, at laſt, ſaid he thought he was.

William Parſons,
R. Dillon, *Tho. Rotherham,*
Ad. Loftus, *R. Meredith,*
J. Temple,

Novemb. 1641.

The Examination and Depoſition of *Richard Grave* concerning the *Iriſh* Rebellion.

The Examination of Richard Grave *of* Dronibote *in the County of* Monoghan, *Yeoman, taken the 25th of* October, 1641.

“Who ſaith, That on *Friday* laſt the 22*d.* of this Month a little before Night, a Son of *Art-Oge Oneal*'s of the *Fues*, whoſe Name he knoweth not, accompanied with about One hundred of the ſaid *Art-Oge*'s Tenants, Armed with Swords, Pitchforks, and ſome Muskets, came to *Dronibote* aforeſaid, to the Houſe of *William Grave*, Brother to the ſaid *Richard*, and having broken down the Doors and Windows of the ſaid Houſe, they Rifled it, and robbed him of all the Money they could find there, and of ſundry other Goods, which they were able to carry away; and when they had ſo done, they came to the Houſe of *William Grave* the Elder, Father to the Examinat, and having broken down the Doors of the ſaid Houſe, they robbed him of all his Money, Linnen and Clothes, and ſundry other Goods.

“He ſaith alſo, That the ſame Night they broke into, and robbed the Houſe of Sir *Henry Spotswood*, in the ſame Town, and took from thence all the Money and Plate which they found there; as alſo divers Houſhold-Goods, and a fair Stone-Horſe.

“He ſaith alſo, That about Twelve a Clock the next Day, the ſame perſons came again to the ſaid Town, accompanied with Two or Three hundred more, and then Robbed, and ſpoiled it of all the reſt of the Goods and Chattels which they found, and preſently after, they ſet fire upon all the Houſes there, and burnt them to the Ground; he ſaith alſo, That the Goods which his Father, and himſelf, and his Brother did loſe thereby, were worth 500 l. and that he verily believes, that the Goods which Sir *Henry Spotswood* loſt thereby, were worth 1000 l. at leaſt.

“He ſaith further, That on *Friday* aforeſaid, while the ſaid *Art-Oge*'s Son was in this Examinat's Father's Houſe, he heard him the ſaid *Art-Oge*'s Son, and one *Patrick Mac-Cadron* of *Drombee*, who was one of them, who were then in the Company ſay, That it was but the Beginning; but before they had done, they would not leave one alive, Rich nor Poor, who went to Church: and ſaith alſo, That the ſaid *Art-Oge*'s Son, and *Patrick Mac-Cadron* ſaid there, That by the next Night *Dublin* wouldbe too hot for any of the *Engliſh* Dogs to live in.

James Ware.

The Proclamation of the Lords Juſtices and Council of *Ireland* to ſtop the Rebellion *Oct.* 23. 1641.

The Proclamation which was ſet out and diſperſed to as many Places as it was poſſible, to give Notice of the Diſcovery of the Conſpiracy, was in *hæc verba.*

By the Lords Juſtices and Council.

William Parſons, John Borlaſe,

These are to make Known and Publiſh to all his Majeſties good Subjects in this Kingdom of Ireland, That there is a Diſcovery made by Us the Lords, Juſtices and Council, of a moſt Diſloyal, and deteſtable Conſpiracy, intended by ſome Evil Affected Iriſh Papiſts, againſt the Lives of Us the Lords Juſtices and Council,

Novemb. 1641.

cil, and many other of his Majeſties faithful Subjects Univerſally throughout this Kingdom, and for the Seizing not only of his Majeſties Caſtle of Dublin, his Majeſties principal Fort here, but alſo, of all the other Fortifications in the Kingdom; and ſeeing by the great Goodneſs and abundant Mercy of Almighty God to his Majeſty, and this State and Kingdom, thoſe wicked Conſpiracies are brought to Light, and ſome of the Conſpirators committed to the Caſtle of Dublin by Us, by His Majeſties Authority, ſo as thoſe wicked and damnable Plots, are now diſappointed in the Chief Parts thereof: We therefore have thought fit, hereby not only to make it publickly known, for the Comfort of His Majeſties Good and Loyal Subjects in all Parts of the Kingdom, but alſo hereby to require them, That they do with all Confidence and Chearfulneſs, betake themſelves to their own Defence, and ſtand upon their Guard, ſo to render the more Safety to themſelves, and all the Kingdom beſides; and that they Advertize Us with all poſſible Speed of all Occurrents which may concern the Peace and Safety of the Kingdom, and now to ſhew fully that Loyalty and Faith, which they had always ſhown for the Publick Services of the Crown and Kingdom, which We will value to His Majeſty accordingly, and a ſpecial Memory thereof will be retained for their Advantage in due time; and We require, That great Care be taken, that no Levies of Men be made for Foreign Service, nor any Men ſuffer'd to March upon any Pretence.

Given at his Majeſties Caſtle at *Dublin* 23*th* of *October* 1641.

Robert Dillon,
Adam Loftus,
Tho. Rotheram,
James Ware,
Robert Digby,
John Temple,
Fra. Willoughby,
Robert Meredith.

Two private Letters were read, ſent to the Lord Lieutenant, the one from Sir *John Borlaſe*, one of the Lords Juſtices of *Ireland*, the other from Sir *John Temple*, declaring the State and Danger, which that Kingdom is in, if there be not preſent Supply both of Arms, Men and Money from *England*.

The *Iriſh* Letters Ordered to be opened.

Likewiſe the Lord Keeper acquainted the Houſe, *That the Lords of the Council being informed of the Pacquets of Letters that came this Week from* Ireland, *have ſent out their Orders, and ſtayed them, and committed them into the Hands of the Gentleman Vſher, until their Lordſhips further Directions be known herein. Whereupon the Lord Privy Seal, Lord Admiral, Lord Chamberlain, Earl of* Bath, *Earl of* Southampton, *Earl of* Leiceſter *and Earl of* Warwick *were appointed to be a Committee, to open and read ſuch Letters, as conduce any thing to the diſcovery of the Affairs of* Ireland, *and to report the ſame to this Houſe, and to return thoſe which concern Merchants Affairs to the Poſt Maſter, to be delivered to the Owners; their Lordſhips or any Seven or more of them to meet when they pleaſe, and have Power by virtue hereof, to divide themſelves into ſeveral by any four or more, as they ſhall ſee Occaſion.*

In the Commons Houſe, after the reading of the above related Papers concerning this Horrid Conſpiracy in *Ireland*, the Houſe was reſolved into a Committee of the whole Houſe, to conſider what was to be done upon this Emergency, and ſeveral Votes were paſſed for ſeveral Heads of a Conference which was Ordered to be deſired with the Lords upon this Occaſion, which, the Reader, to avoid Repetition, will find in the Report of that Conference, together with the ſeveral Anſwers of the Lords unto them.

Among other Votes, for a Recompence and Incouragement to *Owen ô Connelly*, the firſt Diſcoverer of this Deteſtable Treaſon, it was

A Reward voted to *Connelley*, for diſcovering the *Iriſh* Rebellion.

Reſolved upon the Queſtion,

That Owen Connelly, *who diſcovered this Great Treaſon in* Ireland, *ſhall have* 500 l. *preſently paid him, and* 200 l. per annum *Penſion, untill Proviſion be made of Inheritance of a greater Value, and to be recommended to the Lord Lieutenant of* Ireland *for ſome Preferment there.*

A Meſſage was then carried up from the Houſe of Commons by Sir *John Clotworthy* Knight, to deſire *a preſent Conference, by a Committee of both Houſes, if it may ſtand with their Lordſhips Convenience, touching the Troubles in* Ireland, *and the Security of this Kingdom.*

To which the Lords immediately conſented, and the Lord Keeper was Ordered to Report the Conference, which he did to this Effect;

Report of the Conference about the troubles in *Ireland*, *Nov.* 1. 1641.

Mr. Pym *ſaid he was Commanded by the Houſe of Commons to deſire their Lordſhips to let the Earl of* Leiceſter, *Lord Lieutenant of* Ireland *know, That they take his Diligent and Timely acquainting the Parliament with his Intelligence concerning the Rebellion and Treaſon in* Ireland, *very well, for which he was Commanded to give his Lordſhip Thanks from the Houſe of Commons, for his good Service done therein to the King and Kingdome.*

He ſaid, He was further to Acquaint their Lordſhips with ſome Reſolutions which the Houſe of Commons have made concerning the Affairs, and the Securing of this Kingdom. To which purpoſe they Reſolved,

That 50000 *l. ſhall be forthwith provided, and they deſire that a Select Committee of the Members of both Houſes, may be appointed to go to the City of* London, *and to make a Declaration unto them of the State of the Buſineſs in* Ireland, *and to acquaint them, That it will be an Acceptable Service to the Commonwealth to Lend Money; and that the Committees propoſe to the City the Loan of* 50000 *l, and to aſſure them, That they ſhall be Secured both for the Principal and Intereſt by Act of Parliament.*

(2.) *That the Houſe of Commons deſires, That a Select Committee of both Houſes may be appointed to conſider of the Affairs of* Ireland, *and of the raiſing and ſending of Men and Ammunition from hence into* Ireland, *and of the Repair of the Lord Lieutenant of* Ireland *thither, and of a* Declaration *of both Houſes of Parliament to be ſent into* Ireland, *and that Committee to have power from time to time to open Pacquets ſent into* Ireland, *or from* Ireland.

(3.) *For a Reward for* Owen Connelly, *ut ſupra in the Vote.*

(4.) *That a Committee of Lords may be nominated to take the further Examination of* Owen Connelly *upon Oath, upon ſuch Interrogatories as ſhall be Offered by a Committee of the Houſe of Commons, and in the preſence of that Committee.*

(5.) *That the Cuſtody of the Iſle of* Wight *for the preſent may be ſequeſtred into another hand.*

(6.) *That the Perſons of Papiſts of Quality in the ſeveral Counties where they*

they reſide may be ſecured, and ſuch Engliſh *Papiſts as within one Year laſt paſt have removed themſelves into* Ireland, (*Except the Earl of St.* Albanes *and ſuch other Perſons as have their Ancient Eſtates and Habitations there*) *may by Proclamation be Commanded to return hither within one Month after the Proclamation there made; or otherwiſe ſome Courſe to be taken by Act of Parliament for Confiſcation of their Eſtates.*

The Lords Anſwers to the Commons Propoſitions concerning *Ireland*, &c.

The Lords taking theſe Propoſitions into Conſideration ſeverally, Reſolved as followeth:

(1.) *To the Firſt, It was Agreed, That a Select Committee of Lords ſhould joyn with a proportionable Number of the Commons, to go to the City of* London *to Borrow* 50000 *l. for the* Iriſh *Affairs, and the Lord Privy Seal, Lord Admiral, Earl of* Warwick, *Earl of* Briſtol, *Lord Biſhop of* Winton, *Lord Biſhop of* Lincoln, *Lord Biſhop of* Gloceſter, *&c. were named, and Ordered to go to Morrow at* 4 *a Clock in the Afternoon.*

(2.) *To the Second, It was Agreed, and the ſame Committee appointed this Day for Opening of Letters, were Ordered to ſerve for this matter.*

(3.) *To the Third, concerning a Reward to be given to* Owen Connelly, *Agreed to.*

(4.) *To the Fourth, Agreed that the ſame Committee for opening Letters, ſhall Examine* Connelly, *with this Liberty, That any Peer may be preſent, unleſs he be forbidden by this Houſe.*

(5.) *The Fifth Propoſition concerning the* Iſle of Wight, *laid aſide for the preſent.*

(6.) *Concerning the 6th Propoſition, It is agreed, That ſuch as are Convicted Recuſants ſhall be ſecured, according as the Law hath appointed; for ſuch as are not convicted Recuſants, it is referred to the Select Committee of both Houſes to conſider what Courſe is fit to be taken to ſecure their perſons in thoſe Caſes where the Law is defective. Concerning the Proclamation, the Lords think fit, That the Minutes or Draught of a Proclamation be ſent to the King in* Scotland, *that ſo he may from thence ſend his Warrants, and Directions for iſſuing out a Proclamation to that Purpoſe in* Ireland.

After which the Lord Keeper by Command gave Thanks in the Name of the Houſe to the Earl of *Leiceſter* Lord Lieutenant of *Ireland*, as before Mr. *Pym* had done in the Name of the Commons. And he was further deſired, *ſpeedily to write to the King, and acquaint him with the Affairs of* Ireland, *and the Danger that Kingdom is now in, and to let His Majeſty know, What Courſe the Parliament here hath taken for to give Supply and Aid for the Reducing of the Rebels.*

And alſo the Lord Lieutenant was commanded to write to the Lords Juſtices of *Ireland* and the Council there, to let them know, *That the Parliament hath taken into their Care to ſend them a Supply of Men and of Money with all convenient ſpeed, and are Reſolved, to give them Aſſiſtance in this great Defection: wiſhing them to perſiſt in their Diligence and Care in defending that Kingdom againſt the Rebels, until Succours can be ſent them; And that they give Intelligence with the firſt Opportunities, how the State of that Kingdom is, and how the Rebels behave themſelves.*

Before we proceed any further in this Parliamentary Account of theſe Tranſactions concerning this diſmal Tragedy, and Infamous Conſpiracy, acted by theſe *Iriſh* Papiſts, I think it will be no leſs than both the Readers

Novemb. 1641.

ders Curioſity, and the Nature of the Matter obliges me, to give a Succinct account of the Occaſions, Reaſons and Grounds of this Horrid Treaſon and Rebellion, leaving the following Series of it to be interwoven with the other Matters which will compoſe theſe Hiſtorical Collections; and this I will endeavour with all the Truth and Impartiality I am capable of, according to the beſt of my Judgment, and the Sentiments of ſuch Authorities as having been Actors in, or at leaſt Eye and Ear witneſſes of the Management of the Affairs of *Ireland* during this Calamitous Storm, or rather Hurricane of that Rebellion; wherein whole Rivers of humane Blood were moſt inhumanely ſhed, and the Fields of that Iſland, formerly, for its Renowned Piety called the *Iſland of Saints*, bluſhed with ſo many Carnages, as were capable of changing the name, into the *Iſland of Devils*; were it not that the better part ought to give Denomination to the Whole, and that in that great Defection, the Proteſtant Nobility, Gentry and Commonalty, (and even ſome of the Ancient Native *Iriſh* Nobility) to their Immortal Glory perſevered in their conſtant Loyalty and Fidelity to their Lawful Soveraign; and did not amidſt ſo many Hazards and Hardſhips, Difficulties and the moſt preſſing Dangers, relinquiſh the gaſping Intereſts of their Royal but Unfortunate Maſter, till after they ſaw both Him and All their Hopes, notwithſtanding their moſt Vigorous and Generous Attempts and Endeavours, Breathleſs and Deplorate; and that nothing leſs than a Miracle of Providence was capable of giving them a Reſurrection; and even then, when they ſubmitted their Necks to the Iron Yoke of the prevailing Uſurpers, who had Murthered and Dethroned the Father, and Baniſhed his Son and Succeſſor our now Gracious Soveraign, it was not without a Wiſe Proſpect, which, the Illuſtrious Prince *James*, then Lord Marquiſs, now Duke of *Ormond*, and by that Noble Title, as a mark of his Majeſties Favour, and for his Extraordinary Merits, Conduct and Sufferings, created a Peer of the Realm of *England*, even then had, that it might be to his Majeſties Advantage, and that reſerving themſelves to a better Fortune, they might upon any Turn of Affairs be in a Capacity to Exert that Loyalty which under all their Preſſures lay ſtill warm in their Dutiful Hearts, and Willing Inclinations: And this I find juſtified by the Lord *Brohall*, late Earl of *Orrery*, in a ſmall Treatiſe written in anſwer to a Printed Letter of *P. W*'s, where his Lordſhip to ſhew how much the Proteſtants Exceeded the Papiſts in Loyalty and Duty to the King, hath this Remarkable Paſſage:

The Earl of *Orrery*'s Anſwer to *P. W.* printed at *Dublin* 1662. p. 27.

“ I*N the Year* 1650, ſaith he, ſpeaking of his Grace the Duke of *Or-*
“ *mond*, then Lord Lieutenant of *Ireland*, *he permitted all thoſe wor-*
“ *thy* Proteſtants, *which till then had ſerved under him, to come off to*
“ *the reſt of the Proteſtants, though then headed by* Ireton; *Eſteeming*
“ *them Safer with that Real* Regicide, *ſo accompanied, than with thoſe*
“ *pretended* Anti-Regicides, (the Papiſts) *ſo Principled. And*, adds he,
“ *if ſo Faithful and Wiſe a Servant to His Majeſty as the* L. Lieutenant,
“ *had had any Hopes that the* Iriſh Papiſts *would ever have returned to*
“ *their Loyalty, doubtleſs he would never have ſent away from them, ſo*
“ *many Powerful Helpers of it, and Friends unto it; and if he had not*
“ *had more than Hopes, that the* Engliſh Proteſtants *would return to their*
“ *Obedience, as ſoon as they had Power. The Wiſdome of his* Grace's *fore-*
“ *ſight, has been happily Juſtified in the Reſult; For all the* Proteſtants
“ *which then came off, were Eminently Inſtrumental and Concurring in the*

“ *Duty*

Novemb. 1641.

> “ *Duty of accompliſhing that happy Event*, ſpeaking of his Majeſties Reſtauration, *I dare as truly as confidently ſay, That moſt of the* Proteſtants of Ireland, *only ſerved under the Uſurpers, but to bring the* Iriſh Papiſts *to thoſe Terms, which without the force of* Engliſh *Swords, they would never have been brought to; it being too Evident, that nothing could bind them but* Steel *and* Iron.

So far his Lordſhip. But ſtill I am to inform the Reader, That the name *Proteſtant*, whether his Lordſhip intended that limitation or no, I know not, and this fair Character ought to be under the reſtriction, of being only applied to thoſe Loyal Proteſtants who firmly adhered with his Grace the Duke of *Ormond* to their Duty and Allegiance to his Late Majeſty; for there were another ſort of People who glory much in the Title of *Proteſtants*, the *Covenanting Presbyterians* and *Schiſmaticks*; who were all along as bitter Enemies to his Majeſty and his Intereſts, and who by their refuſing to ſubmit to his Majeſties Authority, veſted in the Lord Lieutenant, did as conſiderable Miſchiefs to the King's Affairs, and were in reality no leſs Rebels than the Papiſts againſt whom they fought.

Nor is it only to gratifie the Curioſity of the Inquiſitive, that I think it neceſſary to give this Preliminary account of the ſtate of the *Iriſh* Affairs ſome time preceding, and to ſhew the probable Reaſons that occaſioned this Great Revolt and Inſurrection, but alſo to wipe off the ſtains, which ſome mens Tongues and Ink have maliciouſly fixed upon the moſt Innocent Reputations in the World. And indeed ſuch is the Nature of thoſe Corroding Vices of Envy and Detraction, that the moſt poliſhed and brighteſt Integrity is not Armor of Proof ſufficient againſt the Ruſt of Time and Popular Calumnies; however, it is a Duty we ow to Poſterity, to tranſmit to them the cleareſt Accounts we can of Truth, and not to ſuffer the Illuſtrious Fame of Great and Worthy Men, to lie Buried under the Rubbiſh, which prevailing Faction, and the accumulated Malice of thoſe, who wrought their Ruin, hath heaped upon them; though to Ingenuous and unprejudiced Perſons, the greateſt Vindication that they are Capable of, is the Conſideration that they were Enemies, who raiſed thoſe Calumnies, and therefore not worthy to be Credited or Regarded.

It was one of the Common Topiques of thoſe wicked Miſcreants, the late Uſurpers and Regicides, who made a Trade of Slandering the Foot-Steps of the Lord's Anointed, conſtantly to inſinuate into the Minds of the People, that his late Majeſty was the Occaſion of the *Iriſh* Rebellion, and that it was not ſuppreſſed, was perpetually charged to his Score, as the Reader will hereafter have frequent Opportunity to obſerve; but that the direct contrary, was the moſt evident Truth I doubt not, but from many clear and undeniable Teſtimonies, I ſhall be able in the following Collections to Evince, even beyond all poſſibility of Doubting.

The *Iriſh* Rebels indeed at firſt made his Majeſties Authority a pretence for their Treaſonable Rebellion, as in due time we ſhall ſee, and the *Engliſh* Rebels as greedily laid hold upon that wicked and groundleſs Pretenſion, as if it had been the greateſt Reality; but to manifeſt how falſe both the one and the other Calumny was, I will give a ſhort hint, out of the abovementioned Book of the Earl of *Orrery*, where I find theſe Words.

Earl of *Orreries* Anſwer to *P. W.* p. 29.

“ *In the Year* 1641, ſpeaking of the beginning of the Rebellion, *the*
“ Iriſh *Papiſts*, ſaith he, *pretended His Majeſties Authority, the preten-*
“ *ding whereof, having been ſo horrid a Sin, for it was no leſs than to*
“ *have Intituled His Sacred Majeſty to all their unparalell'd Crimes, nay*
“ *to have made him the Author of them; I think it a Duty to the memo-*
“ *ry of that Glorious* MARTYR, *to preſent the Reader, with what*
“ *will clearly Evince their Malice to be as great as His Majeſties In-*
“ *nocence; I will therefore only cite the Preamble of their own* Remon-
“ ſtrance *delivered by the Lord Viſcount* Gormanſton, *Sir* Lucas Dillon,
“ *and Sir* Robert Talbot *Baronet, to His Majeſties Commiſſioners at the*
“ *Town of* Trim *in the County of* Meath, *on the* 17th *of* March 1642.
“ *In which* Remonſtrance *of* Grievances, *for ſo they called it, after they*
“ *had taken notice, that His Majeſty had Authorized Commiſſioners to*
“ *hear what they ſhould ſay or propound, theſe very words follow, Viz.*
“ Which Your Majeſties Gracious and Princely favour we find accom-
“ panied with theſe words, *viz.* Albeit we do extremely deteſt the
“ Odious Rebellion which the Recuſants of *Ireland* have, without
“ *Ground* or *Colour*, raiſed againſt Us, Our Crown and Dignity. *Words,*
“ adds he, *which deſerve to be written with* A Beam of the Sun, *as an*
“ *Eternal Monument of His Majeſties* Juſtice, *and their* Guilt; *Nor*
“ *were they ſpoken in a Corner, but ſpoken under the* Great Seal of *Eng-*
“ *land, and even in that Commiſſion which thoſe falſe Accuſers were to*
“ *ſee, and hear Read; and by thoſe Expreſſions they were ſufficiently*
“ *provoked, to have pleaded that Authority, which they ſo falſly preten-*
“ *ded, had they had the leaſt ſhadow for ſo black a Calumny.* So far the
ſaid Earl.

P. W's Anſwer to the L. *Orrery*, p. 58, 59. Sec. 81.

But in regard I find his Lordſhip Accuſed in this very Paſſage, by *P. W.* in his Anſwer to that Book, as guilty of omitting the Clauſe immediately following, *Viz. Which Words we do in all humility conceive to have proceeded from the miſrepreſentation of our Adverſaries, and therefore do proteſt, we have been moſt maliciouſly traduced to Your Majeſty.* Although the ſaid *P. W.* doth very honeſtly acquit his Majeſty of that horrid Scandal, ingenuouſly acknowledging it was Sir *Phelim Oneal*'s invention, *p.* 57. *Sec.* 79. Yet to ſuperſede all further doubting upon this occaſion, I will preſent the Reader with a Paper which his Grace the Duke of *Ormond* is pleaſed to oblige him with; which will abundantly manifeſt not only the Innocency of the late illuſtrious Martyr, but ſhew the true temper of thoſe his inhumane Murderers, who would have given Sir *Phelim O Neal*, by the allowed confeſſion of all Men, one of the moſt Bloody of all the *Iriſh* Rebels, not only Life and Liberty, but a plentiful Reward, if he would have confirmed this notorious Calumny; but the Papiſt had it ſeems for that time, a far better Conſcience of Honeſty and Honour then thoſe impenitent Rebels and Regicides, who called themſelves the True Proteſtants; for all theſe Temptations could not prevail with him, to buy his Life at the Rate of a Sin which even to him appeared greater then all his other bloody Inhumanities and Cruelties. The Paper follows.

Dr. *Ker* the Dean of *Ardagh* his Depoſition concerning the Calumny thrown upon K. *Charles* the Martyr, for giving a Commiſſion to the Rebels in *Ireland.*

I John Ker *Dean of* Ardagh, *having occaſionally diſcourſed with the Right Honourable* George *Lord Viſcount* Laneſborrough, *concerning the late Rebellion of* Ireland, *and his Lordſhip at that time having deſired to certifie the ſaid Diſcourſe under my Hand and Seal, do declare as followeth.*

That

Novemb. 1641.

That I was preſent in Court when the Rebel Sir Phelim Oneal *was brought to his Tryal in* Dublin, *and that he was Tryed in that Court which is now the High Court of Chancery; and that his Judges were Judge* Donelan, *afterwards Sir* James Donelan, *Sir* Edward Bolton *Knight, ſometimes Lord Chief Baron of the* Exchequer ;   Dungan, *then called Judge* Dungan, *and another Judge whoſe name I do not now remember. And that amongſt other Witneſſes then brought in againſt him, there was one* Joſeph Travers *Clerk, and one Mr.* Michael Harriſon, *if I miſtake not his Chriſtian name; and that I heard ſeveral Robberies and Murthers proved againſt him, the ſaid Sir* Phelim, *he having nothing material to plead in his own defence: And that the ſaid Judge, whoſe name I remember not as aboveſaid, Examined the ſaid Sir* Phelim, *about a Commiſſion, that the ſaid Sir* Phelim *ſhould have had from* Charles Stuart, *as the ſaid Judge then called the late King, for levying the ſaid War: That the ſaid Sir* Phelim *made Anſwer, That he never had any ſuch Commiſſion; and that it was proved then in Court, by the Teſtimony of the ſaid* Joſeph Travers *and others, that the ſaid Sir* Phelim *had ſuch a Commiſſion, and did then in the beginning of the ſaid* Iriſh *Rebellion ſhew the ſame unto the ſaid* Joſeph, *and ſeveral others then in Court. Upon which the ſaid Sir* Phelim *confeſſed, that when he ſurpriſed the Caſtle of* Charle-mount, *and the Lord* Caulfield, *that he Ordered the ſaid Mr.* Harriſon *and another Gentleman, whoſe name I now do not remember, to cut off the King's broad Seal from a Patent of the ſaid Lord's, they then found in* Charle-mount, *and to affix it to a Commiſſion, which he the ſaid Sir* Phelim *had ordered to be drawn up. And that the ſaid Mr.* Harriſon *did in the face of the whole Court confeſs, that by the ſaid Sir* Phelim's *order he did ſtitch the Silk Cord or Label of that Seal, with Silk of the Colours of the ſaid Label, and ſo fixed the Label and Seal to the ſaid Commiſſion; and that the ſaid Sir* Edward Bolton, *and Judge* Donelan, *urging the ſaid Sir* Pheilm, *to declare why he did ſo deceive the People? He did Anſwer, That no Man could blame him, to uſe all means whatſoever to promote that Cauſe he had ſo far ingaged in. And that upon the ſecond day of his Tryal ſome of the ſaid Judges told him, that if he could produce any material proof, that he had ſuch a Commiſſion from the ſaid* Charles Stuart, *to declare and prove it before Sentence ſhould paſs againſt him, and that he the ſaid Sir* Phelim *ſhould be reſtored to his Eſtate and Liberty: But he anſwered, That he could prove no ſuch thing; nevertheleſs they gave him time to conſider of it till the next day, which was the third and laſt day of his Tryal. Upon which day the ſaid Sir* Phelim *being brought into the Court, and urged again; he declared again, that he never could prove any ſuch thing as a Commiſſion from the King: And added, that there were ſeveral Outrages committed by Officers and others his aiders and abettors in the management of that War, contrary to his Intention, and which now preſſed his Conſcience very much; and that he could not in Conſcience add to them the unjuſt Calumniating the King, though he had been frequently ſolicited thereunto by fair Promiſes and great Rewards while he was in Priſon. And proceeding further in this diſcourſe, that immediately he was ſtopt, before he had ended what he had further to ſay, the Sentence of Death was pronounced againſt him.*

And I do further declare, That I was preſent, and very near to the ſaid Sir Phelim *when he was upon the Ladder at his Execution; and that one Marſhal*   Peake, *and another Marſhal, before the ſaid Sir* Phelim *was caſt, came riding towards the place in great haſte, and called aloud, ſtop*

Novem.
1641.

a little, and having paſſed through the throng of the Spectators and Guards, one of them whiſpered a pretty while with the ſaid Sir Phelim, *and that the ſaid Sir* Phelim *anſwered in the hearing of ſeveral hundreds of People, of whom my ſelf was one,* I thank the Lieutenant General for his intended mercy, but I declare, good People, before God and his Holy Angels, and all of you that hear me, that I never had any Commiſſion from the King for what I have done, in Levying or Proſecution of this War, and do heartily beg your Prayers all good Catholicks and Chriſtians, that God may be merciful unto me, and forgive me my ſins. *More of his Speech I could not hear, which continued not long, the Guards beating off thoſe that ſtood near the place of Execution.*

All that I have written as above, I declare to be true, and am ready if thereunto required, upon my Corporal Oath to atteſt the truth of every particular of it. And in Teſtimony thereof do hereunto Subſcribe my Hand, and affix my Seal, this 28th *day of* February 1681.

John Ker, *Locus Sigilli.*

Nor will it appear at all ſtrange to Poſterity, that thoſe Infamous Uſurpers, of the Presbyterian and Indepenent Faction of the Parliament, who afterwards Murthered his Sacred Perſon, ſhould attempt to Aſſaſinate the Fame and Honour of that Royal Martyr; but when under the Juſt and Eaſie Government of the Son of that Father, perſons who ſeem extremely ſolicitous for the Truth, and to deliver the moſt impartial account of thoſe Affairs to Poſterity, ſhall adventure to dip their Pens in the ſame Ink, and revive the old ſleeping Calumnies, and Inſinuations, it will be abſolutely neceſſary by way of precaution to future Ages, to ſet ſome Mark upon them, and to do Juſtice to the Memory, eſpecially of that Injured and Oppreſſed Prince, by clearing it from theſe falſe and unjuſt Aſperſions; leſt otherwiſe he ſhould again ſuffer a Martyrdom in his Innocent Memory, and after times come to entertain ſuſpicions that the Crimes objected againſt him were not altogether Groundleſs, ſince they find them ſupported by thoſe, who ſeem to have eſpouſed his Intereſt, and who make ſuch fair pretenſions to exact Truth in the Relation of this Horrid Rebellion.

I will not inſiſt upon a late Paper which hath already received the marks of His Majeſties juſt diſpleaſure, for inſinuating a Scandalous Reflexion upon his Royal Father in affirming, *That the Committees of the Parliament of* Ireland, *were in at the* Intrigues *of the* Popiſh Faction *at Court*: which words, however endeavoured to be palliated, with a Reſtriction only to the Papiſts, who without employes of Miniſters or Privy Councellors, followed the Court contrary to Law, yet in the Natural import muſt ſignifie, a Managing, Plotting, and Deſigning People, to whom for their Intereſt and Power, the Committees made this Application; and what ever Conſtruction Loyal Subjects may make of ſuch Words, the Turbulent and Factious always, by Faction at Court, underſtand thoſe Miniſters of State and Privy Councellors, whom they, according to the Liberty they take, are wont to call alſo Evil Councellors, Popiſh Councils, of which it is eaſie to give a Thouſand Inſtances; and how dangerous ſuch Reflexions are to the Government, his late Majeſty ſufficiently felt, and his Son our Royal Sovereign hath had juſt ground to fear; and the more when they are propagated by perſons, whoſe Station gives them a Popular Credit, and evil diſpoſed perſons will be apt to draw inferences from ſuch Authorities, to ſupport the dangerous Calumny againſt the Court of the Son, of which the Fathers is, how falſely ſoever Accuſed.

But though I inſiſt not upon this, Books of that bigneſs, being not long lived in the World, eſpecially when ſo marked by publick reprehenſion, yet I cannot paſs by what a late Hiſtorian, whoſe Works are more likely to ſurvive the preſent and ſome future Ages, has upon this ſubject interſperſed, to the Scandal of his late Majeſty, and one of his moſt Faithful and Loyal Subjects, his Lord Lieutenant of *Ireland*, the then Marqueſs, now Duke of *Ormond*; whoſe generous fidelity to the Crown of *England*, and conſtant ſervices to the Church and State, the Proteſtant Religion and Intereſt, and his wiſe conduct of the Affairs of *Ireland*, with which he hath been ſo ſucceſsfully entruſted by his Royal Maſter, might have expected a far better treatment, then now, when the ſignal hand of Providence hath, as a Recompence of his Loyalty and Sufferings, conducted his Grace to an Age of Glory, to raiſe new ſtorms of Detraction againſt his Reputation and Honour, even when he ſeems to have come to an Anchor, in the Favour of his Prince, and the eſteem of all good and faithful Subjects to the Crown.

Some Animadverſions upon Dr. *Borlaſe*'s Hiſtory of the Execrable *Iriſh* Rebellion.

The Hiſtory, though his name is not affixed to the Title, goes generally under the name of Dr. *Borlaſe*'s; and if it be ſo, Dr. *Borlaſe* muſt excuſe me, if I take the liberty to affirm, that he has not followed Old *Tully*'s Honourable Character of an honeſt Hiſtorian, *Ne quid falſi audeat dicere*, of which I think he hath not only failed in many particulars, but again raiſed up the Spirit of Detraction *Of the Good Old Cauſe*, to perſecute the Aſhes of the Illuſtrious Martyr, and wound the future Honour of his moſt faithful Miniſters.

I do not intend to write a ſolemn Confutation of his Book; and more then that, I do think it in many things true, and ſo uſeful, that I ſhall make uſe my ſelf of ſuch Authorities in it, as are fortified by Truth; but I muſt ſtill have freedom, to diſſent from him wherever hereafter I find him diſcrepant from Truth.

I ſhall only in this place in ſhort take notice of ſome few paſſages, wherein he ſeems not only to ſwim down the Popular Torrent of the Calumnies of the late times of Uſurpation, but to bring the Stream of his own Sentiments and Reaſonings, to ſupply that Channel which was ſo near dry as to be almoſt Fordable by the moſt indifferent Underſtandings, in the Tranſactions of the late Troubles; and in my Opinion are of ſo dangerous Conſequence to the raiſing of new ones, that nothing but an ingenuous Confeſſion, of not attending to the Conſequences of reviving and promoting ſuch inſinuations, can make any tolerable excuſe for the miſchiefs they may do, and an indeavour to prevent them by making the acknowledgment of the miſtakes as publick as the miſtakes are dangerous.

But ſince, as I lately am informed, the Author is by his Death put out of the poſſibility of making that Reparation to the Government; I think it of abſolute neceſſity to ſhew the World thoſe miſtakes which ſurviving in his Writings, if not detected, may do more miſchief after his Death, then his publick Recanting and Retracting of them could have done Juſtice to the injured Memory of his late Majeſty, his Miniſters and Government, had he lived and been ſo ingenuous as to do it.

And firſt, He ſeems to ſtumble at the very Threſhold of his Work in matter of Fact, which is but an Ominous ſetting out for an Hiſtorian, and muſt be either out of Ignorance or Deſign, either of which are very ill Ingredients towards the compoſing a Hiſtory : An inſtance of which, in the very firſt Page, in the Margin he calls *Richard Belling. R. B.* a zealous Nuncioniſt. Whereas, though it is true that he was imployed by the Supreme Council to *Rome*, and his Negotiation was the occaſion of ſending the Nuncio over into *Ireland*, yet when he found the Nuncio and that Party to have other Deſigns then meerly the obtaining Liberty for their Religion, as at firſt they pretended, none were more zealous in oppoſing them then Mr. *Belling*; or in promoting the Peace, and ſubmitting the *Iriſh* to the King's Authority ; he was one among others of the ſupreme Council, who diſavowed and appealed from the Sentence of Excommunication, procured againſt the Lord Lieutenant and his Adherents ; as is evident by a Book which he wrote in anſwer to one publiſhed by *French*, the Titular Biſhop of *Fernes*, written in Juſtification of the Rebellion, and the aforeſaid Excommunication.

" Pag. *5th* of the Preface, he ſaith, *The Ceſſation was managed by ſub-*
" *tile Inſtruments of State* ; And becauſe theſe Words are a little Myſte-
" rious, *p. 29th* of the ſaid Preface he Explains himſelf, ſpeaking his
" own Sentiments in the Language of Col. *Crafford*'s Remonſtrance,
" where he hath this paſſage : *When I firſt enter'd on this Hiſtory, I*
" *propos'd to my ſelf a Series of the Whole, but preſt with my own Affairs,*
" *and matter increaſing plentifully upon me, I held it rational to Sum up*
" *the Whole, after I had brought it to the Ceſſation* ; which ſome * had
" an apprehenſion was not a leſs Plot to deliver the Remainder of his
" Majeſties true Subjects into the Rebels hands, and to root out the
" Proteſtant Religion, then what was commenced the 23 of *October*,
" 1641. *But the Articles of that Ceſſation ſpeak otherwiſe, neceſſity be-*
" *ing the Ground thereof, legible in His Majeſties Motives to a Ceſſation*
" *the* 19th *of* September, 1643. *Which afterwards was highly Contro-*
" *verted, and in the end ſo infeebled, as the War (according to the firſt*
" *intent) was (after the Long Parliament graſp'd all) purſued with*
" *vigour and ſucceſs.*

* Col. *Crafford*'s Remonſtrance, *pag.* 5.

Obſerve this paſſage.

The Regicides, and *Iriſh* Papiſts might have ſharper Swords, but ſurely they had not blacker Ink then Dr. *Borlaſe* ; for either he thought that this paſſage, *Of ſome thought the Ceſſation a greater Plot againſt the Proteſtant Intereſt and Religion, then that of the* Iriſh *Papiſts*, Octob. 23, 1641, was either True, or elſe the moſt malicious Compendium of Scandal, that ever the Regicides or *Iriſh* Rebels endeavoured to fix upon His Majeſty ; if he thought it falſe, he ſhould without mumbling the matter between the Teeth of ſo many Parentheſes, as he does where he ſeems to contradict it from His Majeſties motives, and the Articles; I ſay, he ought either not to have mentioned it at all, or to have given it a laſting brand of Infamy. For by this intolerable Reflection the Character of a worſe Plot is put upon His Majeſty, then the execrable *Iriſh* Rebellion to betray the Proteſtants and their Religion; ſince he himſelf in the 118, 121, 124 and 132 pages of his Hiſtory, produces His Majeſties Letters to the then Marqueſs now Duke of *Ormond*, and the Lords Juſtices, *Borlaſe* and *Tichburn*, expreſly commanding the making of that Ceſſation for one year. And I think to fix this upon the King, exceeds even the *Exit Tyrannus, Regum Ultimus* of the Rebels. And therefore all along his Hiſtory he makes *ſome body or other*, ſtill thinking this Ceſſation a great Plot againſt the Proteſtants, and extolls the management of the Parliament, who were againſt it (*after they had graſp'd* *graſp'd all) for vigorouſly and ſucceſsfully proſecuting the War:* and indeed it is very ſuſpicious, that he both thinks, and would have others think this Ceſſation a *Real Plot*; and that he hath a great Kindneſs for the *Engliſh* Parliament Rebels, appears by the Tenderneſs he expreſſes for them, as in this Place, as if they were in good earneſt againſt the *Iriſh* Rebels, and the King in good Earneſt for them, ſo alſo P. 135. where he hath theſe ſweetning Words, *And indeed to give the* Parliament *their due, when they had reduc'd the Affairs of* England *to their own Module, the Rebels of* Ireland *were frequently Chaſtized, and ſo affectionately purſued, that neither Men, Money or Courage was wanting to that Service.* Expreſſions ſo kind and tender, that one is tempted to believe, theſe were ſome of the Nameleſs Worthies he mentions in his Preface Pag. 25. "*It may be, ſaith he, ſome (whoſe Excellency conſiſts in Detraction) will think (by this) I had a particular Deſign (beſides the Hiſtory) to preſerve the Memory of * ſome, who (otherwiſe) in tract of time might be loſt in the Common Rubbiſh: and I dare not diſown thoſe Conjectures, the deſerving being to be in Everlaſting Remembrance; Nor hath it in all Ages, and amongſt the Worthieſt Perſons been eſteemed Pride, but Juſtice to Erect Memorials and Altars to Meriting Heroes.* And I think by this Paſſage, he did not intend to put the Greateſt Hero and Martyr into his Calender, unleſs it be to Note him *Nigro Carbone*.

* If theſe *Some* were not ſome of the Illuſtrious Parliament Regicides, as *Irton*, *Cromwell*, &c. why does he not Name them?

I ſhall have Occaſion to ſatisfie the Reader more particularly, when I come to the *Uxbridge* Treaty, and the Papers which then paſſed betwixt the King and the Parliament; in the mean time, in ſhort, this was the true State of the Matter, and then let the World judge, what Ground Dr. *Borlaſe* hath to revive this black Scandal againſt his late Majeſty, and his Grace the Duke of *Ormond*.

The Reaſons for making this Ceſſation, were plainly the miſerable Condition, which that part of the *Engliſh* Army, under the Command of the Marquiſs of *Ormond* was reduced unto, becauſe neither he, nor the Officers and Soldiers under his Command, could be threatned or perſwaded, to favor the two Houſes of Parliament, in the War they made againſt the King, whileſt the *Scotch* Army were at the ſame time plentifully provided for; ſo that thoſe who would not be of their Party, had no choice beſide the Ceſſation, but to forſake their Allegiance, or Starve.

Beſides, the Parliament ſaw evidently, That if a Ceſſation were concluded, and a Peace ſhould follow upon it, the King would receive conſiderable Supplies of Men from *Ireland*; which made them to ſave their own Heads, forfeited to Juſtice, ſo violently Oppoſe the Ceſſation, thô they pretended other Reaſons of Religion and Conſcience, under which Cloaks, they covered the moſt Impious and daring Villainies, which ever the Sun beheld.

I might produce other Paſſages, but muſt deſire the Readers Excuſe for the preſent, till they naturally fall in my Way, but I cannot omit one more P. 304. where he hath theſe very Words. "*And certainly* "*whatſoever conſpired to complete ſo execrable a Deſign,* as the Murther "of the King, *nothing contributed more than the* Iriſh *deluding his Sa*"*cred Majeſty, ſo long with their Promiſes of a Competent Army, whereby* "*he relying on them (too confidently Aſſured of their Ability and Power to* "*perform it) deferred thoſe Agreements, which elſe he might have ſeaſo*"*nably compoſed at home.*

This is a Calumny ſo black, and yet ſo Fertile and Politick, that it

Novem. 1641. doth not by Retail, charge the Fatal Miſcarriages of the late War upon the evil Counſellors and Miniſters, as the more modeſt Regicides did, but delivers them in Groſs, and by whole-Sale upon the King; making him, *by deferring thoſe Agreements, which elſe he might have ſeaſonably compoſed at Home,* a *felo de ſe,* and Guilty of his own Execrable Murther. When all the World knows, thoſe Agreements which he might ſo ſeaſonably, as our Hiſtorian ſaith, have made, were upon no eaſier Conditions, then parting with his Crown and Scepter, and contenting himſelf with the empty Name of a King, and that too, at the diſcretion of the two Houſes, who would have the Sword and the Purſe of the Nation at their abſolute Command.

It is certainly true, this perfidy of the *Iriſh*, did Contribute much to his Majeſties Ruine, but it is as certain, that other things conſpired more, the Obſtinacy of the *Engliſh* Rebels, whoſe Flagitious Guilt, would not permit them to think any thing leſs then his Death, could ſecure their own Lives and Uſurpations: and certainly the Calumnies and Detractions, of favoring Popery, and Deſigning to Govern Arbitrarily, of countenancing the *Iriſh* Rebellion, *and contriving to deliver up the Remainder of the Proteſtants and their Religion by the Ceſſation,* &c. which Calumny Dr. *Borlaſe* has taken Care to revive, contributed more to his Majeſties execrable Murder; for with theſe Slanders and Aſperſions, they at firſt Poiſoned the Minds of the Credulous Multitude; by theſe Incentives and Motives, they hurried them on to an open Rebellion, by theſe Arts they ſupported the War, and overcame the Loyal Party; and, in fine, by theſe pretended Crimes they blackned his Majeſty, and brought his Royal Neck to the Infamous Block: and for what Reaſons Dr. *Borlaſe* ſhould again raiſe theſe Helliſh Calumnies to Poſſeſs the People, at a Time when the very ſame Faction of Sectaries and Republicans, were putting the Nation into the Old Ferment of Fears and Jealouſies, it will be difficult to conjecture, unleſs it were to inſpire the preſent Age, with Animoſities and Hatred againſt his Majeſty, his Miniſters and his Government, as purſuing the ſame Methods, with which he falſly Arraigns the Memory of his Royal Father, and by the ſame wicked Arts, to Compaſs and Effect the ſame unparalell'd Miſchiefs and Villanies.

The truth is, when it is conſidered, by what Stars he directed his Sails, it will be apt to Confirm the Belief that he hath received his Meaſures from ſome Perſons, whoſe Intereſt it is to have their own Actions palliated, and thoſe of his Majeſties moſt Loyal Subjects, who followed the Marquiſs of *Ormonds*, as he did his Majeſties Directions, leſſened and vilified, and I cannot ſee the Sketch of his Hiſtory drawn by the Hand of the Biſhop of *Meath*, without which he ſaith P. 19. of his Preface, *The Hiſtory muſt want much of its due Method, and more Eloquence*, without giving a ſhort Stricture upon that Prelate, and then leaving it to the moſt Partial Judge to determine, what Right the King and Royal Party, and particularly his Grace the Duke of *Ormond*, are to expect from ſuch an Hiſtorian and ſuch a Hiſtory, when one of his principal Authorities, *from whom he ſaith, he had ſeveral Paſſages in the inſuing Hiſtory*, was in actual Arms in the Parliamentarian Party, who though they fought againſt the Rebels, yet were no leſs Enemies to the late King, then the *Iriſh* Rebels whom they oppoſed.

This Biſhop of *Meath* was in the beginning of the *Iriſh* Rebellion, a

Dean

Novemb. 1641.

Dean in *Ireland*, Nephew to Primate *Uſher*, and being delivered from the Danger he was in, by a Gentleman of the *Reyleys*, who alſo ſaved many other Proteſtants Lives, by conveying ſuch as put themſelves into his Protection, ſafely into the *Engliſh* Quarters, Feeding and Clothing ſuch as were Stript and in Neceſſity, the Doctor when he came to *Dublin*, was imployed to take Examinations of all the *Engliſh* and Proteſtants, that had ſcaped the Fury of the firſt Inſurrection; he was afterwards ſent to *London*, to ſollicite for Relief for the diſtreſſed Proteſtants of *Ireland*, either from the Parliament, or by Contributions from Charitable Perſons: upon his Return from that Negotiation, he was made Biſhop of *Clogher*, by the Recommendation of the then Marquiſs of *Ormond*, and ſo continued till the Surrender of *Dublin*, into the Hands of Mr. *Arthur Anneſley*, now Earl of *Angleſey*, and other Commiſſioners from the Parliament; and that Biſhops Hand is to an Addreſs to the Marquiſs of *Ormond*, among other of the Clergy, by the Name of *Henry Jones*: But after, when *Dublin* was given up, and the Parliaments Forces prevailed in the whole Kingdom, ſaving the *Iriſh* Quarters, he ſo far complied with thoſe Anti-Epiſcopal Regicides, as that from a Biſhop, he became a Scout-Maſter General, changing his Epiſcopal, nay even his Miniſterial Habit, into a Military, the Sword of the Spirit, into one of Steel, and upon Occaſion dying it in the Blood of his Enemies. However upon the King's happy Reſtauration, wherein he was in his Station in *Ireland* Inſtrumental, he was for that Reaſon, notwithſtanding his Irregularities reſtored to his Biſhoprick of *Clogher*, and afterwards promoted to be Biſhop of *Meath*.

The Reader poſſibly will look upon this, as a large Digreſſion, but I hope the Influence, it muſt neceſſarily have towards the Diſcovery of Truth, will frame an eaſy Apology for me; and poſſibly I ſhould not at this time ſo ſoon have diſmiſſed the Doctor, without acquainting the Reader how perſonally, by the Propenſion of his own Inclinations, he was interreſſed to be Partial to the Actions of thoſe Perſons, Things and Times, whoſe Principles he had ſo warmly Eſpouſed, being declaredly of the late Parliament Faction, but he being not now in Condition to Anſwer for Himſelf, common Humanity inclines me to be ſparing in that particular, and where I have Occaſion to contradict his Hiſtory, only to ſhew how he hath deviated from the Integrity of a juſt Hiſtorian.

Having thus cleared my own Way, and I hope diſpelled ſome of thoſe Miſts, which otherwiſe might make me not only apt to miſtake my ſelf, but alſo unable to Guide others in theſe *Iriſh* Affairs, I am in the Next place to give the beſt account I am able, of the Reaſons, Grounds and Occaſions of this deteſtable Inſurrection; wherein I do aſſure the Reader I will endeavour to hold the Beam of Truth with all the Integrity I poſſibly can; and will ſolemnly avow, That I know no Temptations in the World that are capable of removing me one ſingle Hairs breadth, out of the Honorable Paths of Truth and Honeſty.

It is therefore agreed on all hands, That for ſome time before the Eruption of this Flaming Rebellion, the Affairs of *Ireland* were in all humane appearance in a better Condition, then Generally they had been ſince the Acceſſion of that Kingdom to the Crown of *England*: You ſhall hear my Lord *Orrery*'s Account of it in his forementioned Book, p. 10, 11. where he ſaith, "*The Wiſeſt of Men thought the* Iriſh Papiſts "*faſtned to his Majeſtie, in the Year* 1641, *by the beſt of Governments*; "*and*

E. of *Orrery*'s Anſwer to *Peter Walſh*.

Novemb. 1641.

“ *and to the* Engliſh *Proteſtants, by the ſtricteſt ties of Intereſt, Friendſhip, Marriage, and, which is more in their Eſteem, Goſſipping and Foſtering; to the Publique Peace by their as flouriſhing, ſo free Condition; and to all, by thoſe Royal Graces, which his Sacred Majeſty at that time indulged their Commiſſioners, ſuch as themſelves deſired, 'twas but then ask and have: Yet all this* Honey *was turned into* Gall, *for at that very time wherein the King was Exerciſing ſuch high Acts of* Grace *to them, the* Iriſh Papiſts *plotted and ſoon after perpetrated the Worſt of* Rebellion; *the Worſt* Extenſivè, *Exulcerating generally; and* Intenſivè, *breaking forth with more Perfidie, Barbariſm, and Cruelty, than can be parallel'd in any Hiſtory.*

The great motive at leaſt in pretence was Religion; For whereas Dr. *Borlaſe* in his Preface, ſaith, *It is Evident they never had ſo free Exerciſe of their Religion, as when the Rebellion began*: It is Evident that he is miſtaken, even by the Teſtimony of the Perſon of whoſe Book he ſaith, *p. 7th* of his Hiſt. in the Margin, *It was a Piece of that Integrity few can Equal, none Exceed*; who could have informed him, that this free Exerciſe of Religion, was only clancular and in private.

Sir *John Temple* Iriſh Reb. P. 26, 27.

But they evidently ſaw, that the Calumnies caſt upon the late King as a Favourer of Popery, was one of the principal Engines by which the Factious part of the Parliament of *England* alienated the affections of all his Majeſties *Engliſh* and *Scotch* Proteſtant Subjects from him; beſides the Severities which the Parliament provoked the King upon his peril to inflict upon the Papiſts in *England* and *Scotland*, was made Uſe of by the Popiſh Clergy to drive them into a Rebellion, by inſinuating, That if the Parliament could bring the King under their Government, there was nothing to be Expected, but the total ſuppreſſion of their Religion, and the Eradication of their Nation: In confirmation whereof, it was confidently averr'd to them, That a * Member of Parliament concern'd in *Ireland*, did in the Houſe of Commons declare in a Speech, *That the Converſion of the Papiſts in* Ireland *was only to be Effected, by the* Bible *in one hand, and the* Sword *in the other*: And I have been told by a Perſon of Honour and Worth, that Mr. *Pym* gave out, That they would not leave a Prieſt in *Ireland*: Nor could their Committees who were here be ignorant of theſe Paſſages, or being many of them Papiſts, not communicate it to the *Iriſh* Papiſts.

*Sir *John Clotworthy*.

Another Encouragement to this Rebellion, was the Example of *Scotland*, as appears plainly by *Connelly*'s Depoſition, who was told by *Mac-Mahon*, that, *they did this to imitate* Scotland, *who got a Priviledg by that Courſe.* And the Confeſſion of the Lord *Mac-guire*, which the Reader ſhall preſently ſee, does not obſcurely hint, That the Earl of *Argyle* the Head of the Covenanting Rebellious *Scotch* Presbyterians, was under-hand working the *Iriſh* into ſome Conſpiracy againſt the King, probably that his hands being full, they might procure better Terms for themſelves, and divert the Storm of the *Engliſh* Arms, which then were impending upon them.

Nor was the taking off the Earl of *Strafford*, that Great, Wiſe, and Valiant Man, a little contributing to this *Iriſh* Tragedy; for beſides, that it is viſible that the *Iriſh* Committees who were many of them Papiſts, were highly inſtrumental in furniſhing the *Engliſh* Parliament with matters of Complaint and Accuſation againſt that Noble Lord, for which they were mightily at that time, thô known Papiſts, careſſed by the Earl's Enemies in the Commons Houſe, ſo it is no leſs Viſible, that this

Deſign of theirs, though it had been long contriving, advanced more in half a Year after his Vigilant Eye was taken off their Actions, and his Hand from the Reins of the Government, then it had in all the time before, as will plainly appear by *Mac-guire's* Confeſſion.

And in Confirmation of this, I think it a Debt due to the Illuſtrious Memory of that Great Man the Earl of *Strafford*, whom I cannot name without and Pity Wonder, to inſert part of a Letter of his, to his Dear and Intimate Friend Mr. *Wandesford*, then Maſter of the Rolls, and one of the Lords Juſtices in 1636, wherein he acquaints him with the account which he had given in to the King and Council, of the ſtate of Affairs in *Ireland*, which he doth in theſe Words;

The State of the Army in the Earl of *Strafford's* Time, 1636.

I Informed them, That the Army was well Clad, reaſonably well Armed, (but ſhould be better,) well Exerciſed, and well Paid, which they had never been before; That I had viſited the whole Army, ſeen every ſingle man my ſelf, as well in his own perſon, as in his Exerciſing, where other Generals that had continued that Charge longer then my ſelf, had not taken a view ſo much as of one Company; that in the Removes and Marches of the Army, they pay'd juſtly for what they took, and paſſed along with Civility and Modeſty, as other Subjects, without Burden to the Country through which they went; whereas formerly they took the Victuals and paid nothing for it, as if it had been in an Enemies Country; whence it was, that the Soldier was now welcom in every place, where before they were in abomination to the Inhabitants; That by this means, the Army in true account might be ſaid to be double the Strength, as it had been; That this was ſo apprehended by the ill-diſpoſed, as there is neither Courage nor Hope left for oppoſition; the good Subjects ſecured, the bad kept in humility and fear by it; That they were worthy of the Kings Entertainment, and when they ſhall be ſeen, will appear with a Company of gallant Gentlemen their Officers, fit to ſerve a Great and Wiſe King: whereas not much of this before, but rather quite the Contrary. That for my ſelf, I had a dead Stock in Horſes, Furniture and Arms, for my Troop, that ſtood me in 6000 l, that ſo I was in readineſs upon an hours warning to march; nor did I this out of Vanity, but really in regard I did conceive it became me not to repreſent ſo great a Monarch as his Majeſty, meanly in the ſight of that People; and that it was of mighty Reputation to the Service of the Crown, when they ſaw me in ſuch a Poſture, that I was upon an hours Warning able to put my ſelf on Horſeback, and that the Soldiers ſhould ſee I would not Exact ſo much duty from any private Captain, as I did impoſe upon my ſelf being their General.

Laſtly, it was my humble Advice, That the Army, as of abſolute Neceſſity to the Government, was rather to be reinforced, then at all diminiſhed, as being an Excellent Miniſter and Aſſiſtant, in the Execution of the Kings Writs; the great Peace-maker betwixt the Brittiſh *and Natives, betwixt the Proteſtant and the Papiſt, and the chief Securer, under God and his Majeſty, of the Future and Paſt Plantations.*

His Lordſhip alſo moved, *That he might be permitted to keep a conſtant Fund of 20000 l. in the Exchequer in* Ireland, *to be ready upon all occaſions;* And certainly had he continued his Life, and this Well-laid Way of Managing the ſpirits of ſome of the Old *Iriſh* Eſpecially, there is all the probability, that humane affairs can afford, that the *Iriſh* had not made themſelves ſo miſerable a Nation, as by that Barbarous Rebellion

Novemb. 1641. they did; and that the *Engliſh* Rebellion which was wonderfully influenced by it, either had not been at all, or had never arrived to thoſe accurſed Succeſſes and Period; for at leaſt he would have kept the *Scots* imployed at home, if he had not aſſiſted the King with Men here in *England* againſt the Rebels.

But to proceed, what ever *Fucus* of Religion, theſe, as well as the *Engliſh* Rebels afterwards, might make Uſe of, to paint the *Jezabel* of Treaſon, there was a Deſire of ſhaking off the Government and Dependency upon the Crown of *England*, at leaſt in ſome of the *Iriſh*, as will plainly appear in their Enſuing Actions; and what ever the other Motives and Occaſions of this Defection were, undoubtedly the *Engliſh* Rebellion which followed this ſo cloſely at the heels, diſabled the King from having the Power, as he had the Will to have hazarded his Royal Perſon, to ſuppreſs it, in its Infancy; by reaſon whereof it came to be of ſo long Continuance, and *Ireland* to drink ſo deeply of the Calamities which attended this Dreadful Rebellion.

There were ſeveral other Concomitant Actions even of the Governing part of the Nation, who were many of them Parliamentarians in Heart, and afterwards violently ſo in their Actions, which did increaſe and heighten the deſpair of the *Iriſh*; and I have ſeen ſome Minutes of the Council-Board, which aver, That Sir *Charles Coot* ſaid, *That when Sir* Luke Fitz-Gerald *miſdemean'd himſelf before the Board, by incivil Words toward a Member of the Board, he let him have the line, and would not reprehend him, in hope he would go into Rebellion, for he ſaw he would do ſo, and that the more that were in Rebellion, it was the Better*: And certainly there were ſome unjuſtifiable Severities Uſed, by the Lords Juſtices and Council, as prohibiting the *Iriſh* to come to *Dublin* upon pain of Death, by Three ſucceſſive Proclamations, and afterwards burning their Houſes,&c. for giving Entertainment to the Army of the Rebels, one of the two being unavoidable; their making Priſoners and Indicting ſuch of them as came in and ſubmitted to the Marqueſs of *Ormond*, in hopes of kind Uſage, notwithſtanding his Interceſſion for them, and the advantage they might reaſonably Expect, ſuch Clemency would be to them, in order to reclaiming the more Moderate, and ſuch as had complied with the Rebels out of pure Neceſſity; of which ill Treatment I ſhall produce one of their Letters to the Marqueſs of *Ormond*, with an Expreſs Command from the Lords Juſtices and Council for his ſo doing. Which Letter was as followeth,

A Letter from the Lords Juſtices and Council, to E. of *Ormond*, to proſecute the Rebels with Fire and Sword, *&c. Martii* 9. 1641.

AFter Our very hearty,&c. We the Lords Juſtices have received your Lordſhips Letters of this dayes date, which we communicated with the Council; and having taken the ſame into Serious Conſideration, after deliberate Adviſement thereof at this Board, We have thought fit to return your Lordſhip this Anſwer:

That calling to mind the Reaſons, moving this Board to take the Reſolution Expreſſed in our Order dated the 3d. of this Month concerning the preſent Expedition, and conſidering divers other Weighty Reaſons now appearing to us in Council, and for that alſo we have by our laſt Letters into England, *as your Lordſhip knowes, made known thither, That your Lordſhip with 3000 Foot and 500 Horſe was immediately to March into the* Pale, *to burn, ſpoyl and deſtroy the Rebels of the* Pale, *without excepting of any; And for that the direction we Expected forth of* England *concerning the Lords of the* Pale *did not concern this Matter, We therefore think fit,*

Novemb. 1641.

Firſt, That according to that Order of this Board you paſs not beyond the River of Boyne, *but March in ſuch places between the* Boyne *and the Sea as your Lordſhip ſhall think fit.*

Secondly, That thoſe that offer to come in, be in no other manner taken in, then as Priſoners, taken by the Power and Strength of his Majeſties Army, as in truth it is; and if any of them come to the Army, that if it may be the Soldiers do ſeize on them, before they have acceſs to your Lordſhip, and that afterwards they be denyed acceſs to your Perſon.

Thirdly, That no difference be made between the Noblemen that are Rebels, and other Rebels, but that their Houſes and Goods be dealt with as other Rebels are in manner, as in our ſaid Order dated the 3d of this Month is Expreſſed, which we now again recommend to your Lordſhips obſervation.

In the laſt place, We render Thanks to your Lordſhip for your Letters, praying your Lordſhip to be as Frequent as you may in Advertiſements to us during your Abſence: And in caſe you find the neceſſity of the Service to require your abſence from hence for a longer time, then the 8. days mentioned in our Order of the 3d of this Month, We are pleaſed, That your Lordſhip be abſent two or three days longer, if you find all things concurring therein to the advantage of the Publique Service, in caſe in the interim you receive no direction from us to the contrary. And obſerving no mention in your Letters of having conſulted with Sir Richard Greenfield, *as with other Commanders, We pray your Lordſhip, That as there may be occaſion you call him to ſuch Conſultations. And ſo we bid,&c. from his Majeſties Caſtle of* Dublin *the 9th of* March, 1641.

Your Lordſhips very Loving Friends,

William Parſons, *Charles Coote,*
John Borlaſe, *Th. Rotherham,*
R. Dillon, *Fr. Willoughby,*
J. Temple, *R. Meredith.*

Poſtſcript,

When Your Lordſhip ſhall have peruſed and ſigned the incloſed, We pray you to cauſe it to be conveyed to Sir Henry Tichburne.

To our very good Lord *James* Earl of *Ormond*,&c.

The Reader will meet with ſeveral others of theſe fierce Commands, in the Series of their due time, only I could not omit inſerting this in this place, though a little before its proper time, to clear this Point, and to vindicate the Reflections of his late Majeſty in his Remarques upon this Rebellion, as well as his future Actions, in diſplacing ſome of theſe fiery Men, and putting others of better Temper in their places; which it will appear he did with great Juſtice and Prudence; and if he erred in any thing, it ſeems to be in that he did not do it ſooner, before they had blown the Nation into ſo Univerſal a Flame of Rebellion by their Rigid Presbyterian Severities, which come no whit behind their Brethren in Cruelty the Papiſts, in their Unchriſtian *Evangelium Armatum*, and propagating Religion by Fire and Sword.

And becauſe it will give us a great light into the Cauſes of this dreadful Rebellion, for which we are now ſearching, let us hear what that

Novemb. 1641.

excellent Prince ſayes, upon this Subject in thoſe Cool and Melancholy Minutes, when he had too much Leiſure to write his Innocent Thoughts, and to Steal ſome reſpit, from the Preſſures of his Sufferings, and Inſolence of his Inſulting Enemies, by the retired Divertiſements of his Incomparable Pen.

Εἰκὼν Βασιλικὴ. Cap. 12. Upon the Rebellion and Troubles in *Ireland*.

" THe Commotions in *Ireland* were ſo ſudden and ſo violent, that it was hard at firſt either to diſcern the Riſe, or apply a Remedy to that precipitant Rebellion: Indeed that Sea of Blood which hath there been Cruelly and Barbarouſly ſhed, is enough to drown any man in Eternal, both Infamy and Miſery, whom God ſhall find the malicious Author or Inſtigator of its Effuſion.

" It fell out, as a moſt unhappy advantage, to ſome Mens Malice, againſt me, that when they had impudence enough to lay any thing to my Charge, this bloody opportunity ſhould be offered them, with which I muſt be aſperſed; although there was nothing which could be more abhorring to me, being ſo full of Sin againſt God, Diſloyalty to my Self, and deſtructive to my Subjects.

" Some Men took it very ill not to be believed, when they affirmed, That what the *Iriſh* Rebels did, was done with my Privity, at leaſt, if not by my Commiſſion: But theſe knew too well, that it is no news for ſome of my Subjects to fight, not only without my Commiſſion, but againſt my Command and Perſon too, yet all the while to pretend they fight by my Authority, and for my Safety.

" I would to God, the *Iriſh* had nothing to alledge for their imitation againſt thoſe whoſe blame muſt needs be the greater, by how much Proteſtant Principles are more againſt all Rebellion againſt Princes then thoſe of Papiſts; Nor will the Goodneſs of Mens Intentions excuſe the Scandal and Contagion of their Examples: But whoever fail of their Duty toward me, I muſt bear the blame; this Honour my Enemies have always done me, to think moderate injuries not proportionate to me, nor competent Trials, either of my Patience under them, or my Pardon of them.

" Therefore with Exquiſite Malice, they have mixed the Gall and Vinegar of Falſity and Contempt, with the Cup of my Affliction; charging me not only with untruths, but ſuch as wherein I have the greateſt ſhare of Loſs and Diſhonour by what is committed; whereas, in all Policy, Reaſon and Religion, having leaſt Cauſe to give the leaſt Conſent, and moſt grounds of utter Deteſtation, I might be repreſented by them to the World, the more Inhumane and Barbarous, like ſome Cyclopick Monſter, whom nothing will ſerve to Eat and Drink but the Fleſh and Blood of my own Subjects, in whoſe common Wellfare, my Intereſt lies as much, as ſome Mens doth in their Perturbations, who think they cannot do Well but in Evil Times, nor ſo cunningly, as in laying the *Odium* of thoſe ſad Events on others, wherewith themſelves are moſt pleaſed, and whereof they have been not the leaſt occaſions.

" And certainly, 'Tis thought by many Wiſe Men, that the prepoſterous Rigour, and unreaſonable ſeverity which ſome Men carried before them in *England*, was not the leaſt incentive that kindled and blew up into thoſe Horrid Flames, the Sparks of Diſcontent, which wanted not prediſpoſed Fewel for Rebellion, in *Ireland*; where Diſpair being added to their former Diſcontents, and the fears of utter

November.
1641.

“Extirpation to their wonted oppreſſions, it was eaſie to provoke to an open Rebellion a People prone enough to break out to all Exorbitant Violence, both by ſome Principles of their Religion, and the natural deſires of Liberty, both to Exempt themſelves from their preſent reſtraints, and to prevent thoſe after Rigours wherewith they ſaw themſelves apparently threatned, by the Covetous Zeal, and Uncharitable Fury of ſome Men, who think it a great argument of the Truth of their Religion, to endure no other but their own.

“God knows, as I can with Truth waſh my hands in Innocency, as to any Guilt in that Rebellion; ſo I might waſh them in my Tears, as to the ſad apprehenſions I had, to ſee it ſpread ſo far, and make ſuch waſt: And this in a time, when Diſtractions and Jealouſies here in *England* made moſt Men rather intent to their own Safety, or Deſigns they were driving, then to the relief of thoſe who were every day Inhumanely Butchered in *Ireland*; whoſe Tears and Blood might if nothing elſe, have quenched, or at leaſt, for a time repreſſed and ſmothered thoſe Sparks of Civil Diſſentions and Jealouſies, which in *England* ſome men moſt induſtriouſly ſcattered.

“I would to God no man had been leſs affected with *Ireland's* ſad Eſtate then my Self; I offered to go my Self in Perſon upon that Expedition: But ſome Men were either afraid I ſhould have any one Kingdom quieted, or loath they were, to ſhoot at any mark here, leſs then my Self; or that any ſhould have the Glory of my Deſtruction, but themſelves: Had my many offers been accepted, I am confident neither the Ruin had been ſo great, nor the Calamity ſo long, nor the Remedy ſo deſperate: So that, next to the ſin of thoſe who began that Rebellion, theirs muſt needs be, who either hindred the ſpeedy ſuppreſſing of it by Domeſtick Diſſentions, or diverted the Aides, or exaſperated the Rebels to the moſt deſperate Reſolutions and Actions, by threatning all Extremities, not only to the known Heads and chief Incendiaries, but even to the whole Community of that Nation, reſolving to deſtroy Root and Branch, Men, Women and Children, without any regard to thoſe uſual Pleas for Mercy, which Conquerors, not wholly Barbarous, are wont to hear from their own Breaſts, in behalf of thoſe, whoſe oppreſſive Fears, rather then their Malice, engaged them; or whoſe imbecility for Sex and Age was ſuch, as they could neither lift up a hand againſt them, nor diſtinguiſh between their right hand and their left: which prepoſterous, and, I think, un-Evangelical Zeal, is too like that of the rebuked Diſciples, who would go no lower in their Revenge, then to call for fire from Heaven, upon whole Cities for the Repulſe or Neglect of a few; or like that of *Jacob's* Sons, which the Father both Blamed and Curſed; chuſing rather to uſe all Extremities which might drive Men to deſperate obſtinacy then to apply moderate Remedies, ſuch as might puniſh ſome with Exemplary Juſtice, yet diſarm others, with tenders of Mercy upon their Submiſſion, and Our protection of them from the fury of thoſe who would ſoon drown them, if they refuſed to ſwim down the Popular Stream with them.

“But ſome kind of Zeal counts all merciful Moderation Lukewarmneſs, and had rather be Cruel then counted Cold; and is not ſeldom more greedy to kill the Bear for his skin, then for any harm he hath done; the Confiſcation of Mens Eſtates being more beneficial then the Charity of ſaving their Lives, or reforming their Errors.

“When

Novem. 1641.

" When all proportionable Succours of the poor Proteſtants in *Ireland*, who were daily Maſſacred, and over-born with Numbers of " now deſperate Enemies, was diverted and obſtructed here, I was earneſtly entreated, and generally adviſed by the chief of the Proteſtant " Party there, to get them ſome reſpite and breathing by a Ceſſation, " without which they ſaw no probability, unleſs by Miracle, to preſerve the Remnant that had yet eſcaped: God knows, with how " much Commiſeration, and ſerious Caution I carried on that buſineſs, " by perſons of Honor and Integrity, that ſo I might neither encourage " the Inſolence of the Rebels, nor diſcourage the Proteſtants Loyalty and " Patience.

" Yet when this was effected in the beſt ſort, that the neceſſity and " difficulty of my Affairs would then permit, I was then to ſuffer again " in my Reputation and Honor, becauſe I ſuffered not the Rebels utterly to devour the remaining handfuls of the Proteſtants there: I " thought, that in all reaſon, the gaining of that reſpit, could not be ſo " much to the Rebels advantages, which ſome have highly Calumniated againſt me, as it might have been for the Proteſtants future, as " well as preſent ſafety, if during the time of that Ceſſation, ſome Men " had had the Grace, to have laid *Ireland*'s ſad condition more to heart, " and laid aſide thoſe violent Motions which were here carried on by " thoſe that had better skill to let Blood than to ſtanch it.

" But in all the miſconſtructions of my Actions, which are prone to " find more credulity in Men to what is Falſe and Evil, then Love or " Charity to what is True and Good; as I have no Judge but God, " above me, ſo I can have comfort to appeal to his Omniſcience, " who doth not therefore deny my Innocence, becauſe he is pleaſed ſo " far to try my Patience, as he did his Servant *Job*'s.

" I have enough to do, to look to my own Conſcience, and the faithful diſcharge of my Truſt as a King; I have ſcarce leiſure to conſider " thoſe ſwarms of reproaches, which iſſue out of ſome Mens mouths, " and hearts, as eaſily as ſmoak or ſparks do out of a Furnace; much " leſs to make ſuch Prolix Apologies, as might give thoſe Men ſatisfaction, who conſcious to their own depth of wickedneſs, are loath to " believe any Man, not to be as bad as themſelves.

" 'Tis Kingly to do well and hear ill; if I can but act the one, I ſhall " not much regard to hear the other.

" I thank God, I can hear with Patience, as bad as my worſt Enemies can falſly ſay; and I hope I ſhall ſtill do better, then they deſire, " or deſerve I ſhould.

" I believe it will at laſt appear, that they who firſt began to Embroil " my other Kingdoms, are in great part guilty, if not of the firſt letting " out, yet of the not timely ſtopping thoſe horrid Effuſions of Blood in " *Ireland*; which, whatever my Enemies pleaſe to ſay or think, I look " upon, as that of my other Kingdoms, exhauſted out of my own Veins; " no man being ſo much weakned by it as my Self: And I hope, though " Mens unſatiable Cruelties never will, yet the Mercy of God will at " length ſay to his Juſtice, *It is enough*; and command the Sword of " Civil War to ſheath it ſelf; his merciful Juſtice intending, I truſt, " not our utter Confuſion, but our Cure, the abatement of our ſins, " not the Deſolation of theſe Nations.

Though this to all unprejudiced Men be a moſt clear Vindication, of the ſuffering Innocence of that oppreſſed Prince, yet I cannot but ſubjoin one paſſage in his Soliloque immediately following the former Diſcourſe, wherein His Majeſty ſeems with that clear Confidence to put in his Appeal to Innocence, before the dreaded Tribunal of Heaven, as will not admit the leaſt ſcruple of doubt, among ſuch as have any grains of Charity, or even Humanity left; to diſbelieve him; and if there ſhould be yet found any among his ſurviving Enemies, ſo obdurate or flinty hearted, to perſiſt in that infidelity, Heaven it ſelf hath undertaken to convince the whole Univerſe of his ſpotleſs Innocence, by anſwering this Appeal, in the Miraculous Reſtauration of his Son, our moſt Gracious Sovereign, and the Royal Family, to his and their undoubted Right, in deſpight of all the Power and Malice of his Uſurping Enemies. The paſſage is this.

“ If I have deſired or delighted in the Woful Day of my Kingdoms
“ Calamities, if I have not earneſtly ſtudied and faithfully indea-
“ voured, the preventing and compoſing of theſe bloody Diſtractions;
“ then let thy hand be againſt me and my Fathers Houſe. O Lord,
“ thou ſeeſt I have Enemies enough of Men; as I need not, ſo I ſhould
“ not dare thus to Imprecate thy Curſe on Me and Mine, if my Con-
“ ſcience did not Witneſs my Integrity, which thou, O Lord, knoweſt
“ right well. But I truſt not to my own Merit, but thy Mercies. *Spare*
“ *us, O Lord, and be not angry with us forever.*

And now becauſe it will give the cleareſt proſpect of this Inſurrection that I have ſeen, though not altogether in its proper place, I will give the Reader a view of *Mac-guires* voluntary Confeſſion, which was as follows.

The Relation of the Lord Mac-guire *written with his own hand in the* Tower, *and delivered by him to Sir* John Conyers *then Lieutenant, to preſent to the Lords in Parliament.*

The L. *Mac-guire's* Relation of the *Iriſh* Rebellion, *Oct.* 23, 1641.

‘ BEing in *Dublin Candlemaſs*-Term laſt was Twelve-Month (1640.)
‘ the Parliament then Sitting, Mr. *Roger Moore* did write to me,
‘ deſiring me, That if I could in that ſpare time, I would come to his
‘ Houſe (for then the Parliament did nothing but Sit, and Adjourn, ex-
‘ pecting a Commiſſion for the continuance thereof, their former Com-
‘ miſſion being expired) and that ſome things he had to ſay unto me,
‘ that did nearly concern me, and on receipt of his Letter, the new
‘ Commiſſion for continuing the Parliament landed, and I did return
‘ him an Anſwer, That I could not fulfil his Requeſt for that preſent;
‘ and thereupon he himſelf came to Town preſently after, and ſending
‘ to me, I went to ſee him at his Lodging: And after ſome little time
‘ ſpent in Salutations, he began to diſcourſe of the many Afflictions and
‘ Sufferings of the Natives of that Kingdom, and particularly in thoſe
‘ late times of my Lord *Strafford*'s Government, which gave diſtaſt to
‘ the whole Kingdom. And then he began to particularize the Suffer-
‘ ing of them that were the more antient Natives, as were the *Iriſh*; how
‘ that on ſeveral Plantations they were all put out of their Anceſtors
‘ Eſtates. All which Sufferings he ſaid, did beget a general diſcontent
‘ over all the whole Kingdom in both the Natives; to wit, the Old and
‘ New

‘ New *Iriſh*. And that if the Gentry of the Kingdom were diſpoſed to
‘ free themſelves furtherly from the like inconvenience, and get good
‘ Conditions for themſelves, for regaining their Anceſtors (or at leaſt a
‘ good part thereof) Eſtates, they could never deſire a more convenient
‘ time than that time, (the diſtempers of *Scotland* being then on foot)
‘ and did ask me what I thought of it; I made him anſwer, that I could
‘ not tell what to think of it; ſuch Matters being altogether out of my
‘ Element. Then he would needs have an Oath of me of Secrecy; which
‘ I gave him,and thereupon, he told me that he ſpoke to the beſt Gentry
‘ of Quality in *Lemſter*, and a great part of *Connaght* touching that matter,
‘ and he found all of them willing thereunto, if ſo be they could
‘ draw to them the Gentry of *Vlſter*, for which cauſe (ſaid he) I came
‘ to ſpeak to you; then he began to lay down to me the caſe that I was
‘ in there, overwhelmed in Debt, the ſmalneſs of my Eſtate, and the
‘ greatneſs of the Eſtate my Anceſtors had, and how I ſhould be ſure to
‘ get it again, or at leaſt a good part thereof; and moreover how the
‘ welfare, and maintaining of the Catholick Religion, which he ſaid, undoubtedly
‘ the Parliament now in *England* will ſuppreſs, doth depend
‘ on it: For, ſaid he, it is to be feared, and ſo much I hear from every
‘ underſtanding man, the Parliament intends the utter Subverſion of our
‘ Religion; by which perſwaſions he obtained my conſent. And ſo he
‘ demanded whether any more of *Vlſter* Gentry were in Town, I told
‘ him that *Phillip Reyly*, Mr. *Torlagh O Neal*, Brother to Sir *Phelim*
‘ *O Neal*,and Mr. *Coſloe Mac Mahone* were in Town, ſo for that time we
‘ parted.

‘ The next day he invited Mr. *Reyly*, and I, to dine with him, and after
‘ Dinner he ſent for thoſe other Gentlemen, Mr. *Neale*, and Mr. *Mac*
‘ *Mahone*; and when they were come, he began the diſcourſe formerly
‘ uſed to me, to them, and with the ſame perſwaſion formerly uſed
‘ to me, he obtained their conſent. And then he began to diſcourſe
‘ of the manner, how it ought to be done, of the feſibility, and eaſineſs
‘ of the Attempt, conſidering Matters, as they then ſtood in *England*,the
‘ Troubles of *Scotland*, the great Numbers of able Men in the Kingdom,
‘ meaning *Ireland*, what Succours they were (more then) to hope for
‘ from abroad, and the Army then raiſed all *Iriſh-men*, and well armed,
‘ meaning the Army raiſed by my Lord *Strafford*,againſt *Scotland*. Firſt,
‘ that every one ſhould endeavour to draw his own Friends into that
‘ Act, and at leaſt thoſe that did live in one County with them; and
‘ when they had ſo done, they ſend to the *Iriſh* in the *Low-Countreys*,
‘ and *Spain*, to let them know of the Day, and Reſolution, ſo that they
‘ be over with them by that day, or ſoon after with ſupply of Arms and
‘ Ammunition, as they could; that there ſhould be a ſet day appointed,
‘ and every one in his own Quarters ſhould riſe out that day,and ſeize on
‘ all Arms he could get in his County, and this day to be near Winter, ſo
‘ that *England* could not be able to ſend Forces into *Ireland* before *May*,
‘ and by that time there was no doubt to be made, but that they themſelves
‘ ſhould be ſupplied by the *Iriſh* beyond Seas, who, he ſaid, could
‘ not miſs of help from either *Spain*, or the *Pope*, but that his reſolutions
‘ were not in all things allowed. For, firſt it was reſolved nothing ſhould
‘ be done, until firſt they had ſent to the *Iriſh* over-Seas to know their
‘ advice, and what hope of ſucceſs they could give; for in them, as they
‘ ſaid, all their hope of Relief was, and they would have both their Advice
‘ and Reſolution, before any further proceedings, more than to ſpeak

‘ to,

Novemb. 1641.

‘to, and try Gentlemen of the Kingdom, every one, as they could conveniently, to ſee (in caſe they would at any time grow to a reſolution) what to be, and Strength they muſt truſt to; Then Mr. *Moore* told them, That it was to no purpoſe to ſpend much time in ſpeaking to the Gentry. For there was no doubt to be made of the *Iriſh*, that they would be ready at any time. And that all the doubt was in the Gentry of the *Pale*, but he ſaid, That for his own part, he was really aſſured, when they had riſen out, the *Pale* Gentry would not ſtay long after, at leaſt that they would not oppoſe them in any thing, but be Neuters, and, if in Caſe they did, That they had Men enough in the Kingdom without them. Moreover he ſaid, he had ſpoke to a great Man (who then ſhould be nameleſs) that would not fail at the appointed day of riſing out to appear, and to be ſeen in the Act. But that until then, he was ſworn not to reveal him; and that was all that was done at that Meeting, only that Mr. *Moore* ſhould the next *Lent* following, make a Journey down into the *North* to know what was done there, and, that he alſo might inform them, what he had done, and ſo on parting, Mr. *Philip Reyly*, and I, did importune Mr. *Moore* for the knowledge of that great Man, that he ſpake of, and on long Entreaty, after binding us to new Secrecy, not to diſcover him till the Day ſhould be appointed, he told, that it was the Lord of *Mayo*, who was very powerful in Command of Men in thoſe Parts of *Connaght* wherein he lived, and that there was no doubt to be made of him, no more than was of himſelf, and ſo we parted.

‘The next *Lent* following, Mr. *Moore* according to his promiſe came into *Vlſter*, by reaſon it was the time of Aſſizes in ſeveral Counties; there he met only with Mr. *Reyly*, and nothing was then done, but all Matters put off till *May* following, where we or moſt of us ſhould meet at *Dublin*, it being both Parliament and Term-time: In the mean time there Landed one *Neale O Neale*, ſent by the Earl of *Tyrone* out of *Spain*, to ſpeak with the Gentry, of his Name and Kindred, to let them know, that he had treated with Cardinal *Richelieu*, for obtaining Succor to come for *Ireland*, and that he prevailed with the Cardinal, ſo that he was to have Arms, Ammunition and Mony from him on Demand, to come for *Ireland*, and that he only expected a convenient Time to come away, and to deſire them, to be in a readineſs, and to procure all others, whom they could, to be ſo likewiſe, which Meſſage, did ſet on the Proceedings very much, ſo that Mr. *Moore*, Mr. *Reyly*, my Brother, and I, meeting the next *May* at *Dublin*, and the ſame Meſſenger there too; It was Reſolved, That he ſhould return to the Earl into *Spain*, with their Reſolution, which was, That they would riſe out twelve or fourteen Days before, or after *Allhallontide*, as they ſhould ſee Cauſe, and that he ſhould not fail to be with them by that time: There was a Report at that time, and before that the Earl of *Tyrone* was killed, which was not believed, by reaſon of many ſuch Reports formerly, which we found to be falſe, and ſo the Meſſenger departed with Directions, that if the Earls death were true, he ſhould repair into the *Low-Countries* to Colonel *Owen O Neale*, and acquaint him with his Commiſſion from the Earl; whereof, it was thought, he was not Ignorant, and to return an Anſwer ſent by him, and to ſee what he would Adviſe, or would do himſelf therein. But preſently after his Departure, the certainty of the Earls Death was known, and on further Reſolution, it was Agreed,

Novem. 1641.

‘That an Expreſs Meſſenger ſhould be ſent to the Colonel, to make all the Reſolutions known to him, and to return ſpeedily with his Anſwer. And ſo one *Toole O Comely* a Prieſt (as I think Pariſh Prieſt to Mr. *Moore*) was ſent away to Colonel *O Neale*: In the interim there came ſeveral Letters and News out of *England* to *Dublin*, of Proclamations againſt the Catholicks in *England*, and alſo that the Army raiſed in *Ireland*, ſhould be Disbanded, and Conveyed into *Scotland*: And preſently after, ſeveral Colonels and Captains Landed, with Directions to carry away thoſe Men; amongſt whom Colonel *Plunkett*, Colonel *Burne* and Captain *Bryan O Neale* came, but did not all come together: for *Plunkett* Landed before my coming out of Town, and the other two after, wherein a great fear of Suppreſſing of Religion was conceived, and eſpecially by the Gentry of the *Pale*, and it was very common amongſt them, that it would be very inconvenient, to ſuffer ſo many Men to be Conveyed out of the Kingdom; it being as was ſaid, very confidently reported, that the *Scottiſh* Army did threaten never to lay down Arms, until an Uniformity of Religion, were in the three Kingdoms, and the Catholick Religion ſuppreſſed. And thereupon both Houſes of Parliament began to oppoſe their going, and the Houſes were divided in their Opinions; ſome would have them go, others not; but what the definitive concluſion of the Houſes was touching the Point, I cannot tell; for by leave from the Houſe of Lords, I departed into the Country before the Prorogation. But before my Departure, I was informed by *John Barnewall* a Fryer, that thoſe Gentlemen of the *Pale* (and ſome other Members of the Houſe of Commons) had ſeveral Meetings and Conſultations, how they might make Stay of the Souldiers in the Kingdom, and likewiſe to Arm them in Defence of the King, being much injured both of *England* and *Scotland* then (as they were informed) and to prevent any Attempt againſt Religion; and preſently after I departed into the Country, and Mr *Reyly* being a Member of the Houſe of Commons, ſtayed the Prorogation; and on his coming into the Country, ſent to me to meet him, and I came to his Houſe, where he told me, that he heard for certain, that the former Narration of *Barnewall* to me (for I did acquaint him with it) was true and that he heard it from ſeveral there; alſo was *Emar Mac Mahone* (made firmly privy to all our Proceedings at Mr. *Reylys*) lately come out of the *Pale*, where he met with the aforenamed *John Barnewall*, who told him as much; and he formerly told me, and moreover, that thoſe Colonels that lately came over, did proffer their Service, and Induſtry in that Act, and ſo would raiſe their Men, under Color to Convey them into *Spain*, and then ſeize on the Caſtle of *Dublin*, and with their Arms there to Arm their Soldiers, and have them ready for any Occaſion, that ſhould be Commanded them, but that they had not concluded any thing, becauſe they were not Aſſured how the Gentlemen of the remote Parts of the Kingdom (and eſpecially of *Ulſter*) would ſtand Affected to that Act, and that Aſſurance of that Doubt, was all their Impediment. Then we three began to think, how we might aſſure them Help, and of the Aſſiſtance of *Ulſter* Gentlemen; It was thought that One ſhould be ſent to them, to acquaint them therewith, and they made Choice of me to come; by reaſon, as they ſaid, that my Wife was allyed to them and their Country-Woman, and would believe me, truſt me ſooner than other of their Parts, they or moſt of them being

ing of the *Pale*. And ſo (without as much as to return Home to furniſh my ſelf for ſuch a Journey, *Volens, Nolens,*) they prevailed, or rather forced me to come to *Dublin*, to confer with thoſe Colonels; (and that was the laſt *Auguſt* was Twelve-Month). Coming to Town, I met Sir *James Dillon* accidentally, before I came to my Lodging, who was one of thoſe Colonels: and after Salutations, he demanded of me, where my Lodging was, which when I told him, and parted; the next Day being abroad about ſome other Occaſions in Town, I met him (as he ſaid) coming to wait on me in my Chamber; but being a good Way from it, he deſired me to go into his own Chamber, being near at hand; And then began to diſcourſe of the preſent Sufferings and Afflictions of that Kingdom, and particularly of Religion, and how they were to expect no Redreſs (the Parliament in *England* intending, and the *Scots* reſolving never to lay down Arms, until the Catholick Religion were ſuppreſſed.) Then he likewiſe began to lay down what Danger it would be to ſuffer ſo many Able Men, as was to go with them to depart the Kingdom in ſuch a time: Neither (ſaid he) do their other Gentlemen, that are Colonels, and my ſelf, affect our own private Profit, ſoas to prefer it, before the general Good of the Kingdom; And knowing you are well Affected thereunto; and I hope (ſaid he) readyto put your helping-handto it upon Occaſion, I will let you know the Reſolution of thoſe other Gentlemen, and Mine, which is, if weare ready to raiſe our Men, and after toSeize on the Caſtle; where there is great ſtore of Arms, and Arm our Selves. This was the firſt Motion that ever I heard of taking the Caſtle; for it never came into our Thoughts formerly, nor am I perſwaded ever would, if it had not proceeded from thoſe Colonels, who were the firſt Motioners and Contrivers thereof, for ought known to me; and then to be ready to prevent, and reſiſt any Danger, that the Gentlemen of the Kingdom like thereof, and help us: For we of our ſelves neither are able, nor will do any thing therein, without their Aſſiſtance. I began according to the Directions that were ſent with me to approve of their Reſolution, and alſo to let him know, how ſure he might be of the Aſſiſtance of thoſe of *Ulſter*. Then he told us, that for my more Satisfaction, I ſhould Confer with the reſt of the Colonels themſelves, as many, as are Privy to the Action, and accordingly a Place of Meeting was appointed that After-Noon; and on the Time and Place appointed, there met Sir *James* himſelf, Colonel *Bourne*, and Colonel *Plunket*. And that former Diſcourſe being renewed, they began to lay down the Obſtacles to that Enterpriſe, and how they ſhould be Redreſſed. Firſt, If there ſhould War enſue, how there ſhould be Money had to Pay the Soldiers. Secondly, How and where, they ſhould procure Succors from Forreign Parts. Thirdly, How to draw in the *Pale* Gentlemen. Fourthly, Who ſhould undertake to Surpriſe the Caſtle, and how it ſhould be done.

To the Firſt, it was Anſwered; That the Rents in the Kingdom every where, not having Reſpect whoſe they ſhould be, due to the Lords and Gentlemen thereof, ſhould be Collected to pay the Soldiers. And moreover, they might be ſure (nay that there was no Doubt thereof) to procure Money from the Pope, who gave ſeveral Promiſes formerly to my Lord of *Tyrone* (in Caſe he could make Way to come into *Ireland*) to maintain Six thouſand Men yearly at his own Charge; and that notwithſtanding, that my Lord of *Tyrone* was

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Novemb. 1641.

‘dead, yet that he would continue the ſame forwardneſs now.

‘To the Second, it was Anſwered by Colonel *Bourne*, that help from Abroad could not fail them. For (ſaid he) Colonel *O Neale* told me that he had, or would procure in readineſs (I do not remember which of thoſe, the Colonel ſpake, or whether he ſpoke Poſitive, that Colonel *O Neale* had Arms, or would procure them) Arms for Ten thouſand Men. And moreover (ſaid he) I make no great Queſtion, that if we ſend into *Spain*, we ſhall not miſs of Aid; for I being in *London* the laſt year in the *Scots* Troubles, I was in Conference with one of the *Spaniſh* Ambaſſadors there then, and talking of their troubles then a-Foot; he ſaid, That if the *Iriſh* did then riſe too, and ſend to *Spain*, their Meſſengers would be received under Canopies of Gold. Theſe laſt Words he told me, and ſome one Man of thoſe that were Preſent, Privately, whoſe Name I cannot call to Mind; (neither well remember I, whether he ſpoke to them all, or no) then it was thought, that when they were both in Arms, for Defence of the Catholick Cauſe, they would be ſuccored by the Catholick Princes of *Chriſtendom*.

‘To the Third, it was anſwered by Colonel *Plunket*, That he was as Morally certain (for thoſe were his Words) as he could be of any thing, that the *Pale* Gentlemen would joyn with them, and aſſiſt them. For, he ſaid, I have ſpoke to ſeveral of them ſince my Landing in the Kingdom, and I find them very ready and willing; and withal I have at *London* ſpoke to ſome of the Committees, and particularly to my Lord of *Gormonſtowne*, to let them know his Reſolution, and they approved it very well. All this was not done at the firſt Meeting, but at three or four Meetings; And ſo on the laſt Meeting, it was reſolved to the laſt Doubt, touching Seizing the Caſtle, that Colonel *Plunket*, and Colonel *Bourne* ſhould undertake that Task, becauſe they were nearer to it, than any other, and alſo ſeize on the Forts, Garriſons, and other Places, where they think any Arms ſhould be; and in particular, *Londonderry*, which ſhould be undertaken by thoſe of *Ulſter*, and then there was a Set-Day appointed for the Execution thereof; that was the Fifth of the enſuing *October*, (this being the latter end of *Auguſt*, or the beginning of *September*, *Anno* 1641. I do not know whether.) And every one ſhould make Proviſion to riſe out that Day; and they were Named, that ſhould firſt ſuccor them, that would take the Caſtle with Men preſently, namely, Sir *James Dillon*, who did undertake to be with them within three (or at the moſt) four Days, with a Thouſand Men, and ſo much more ſhould come to them out of the *North*. For theſe two Colonels did not intend to uſe above a Hundred Men in the Surprizal, whereof they were to have twenty good Able Gentlemen: For they made account, that having the Caſtle, they with the Artillery would Maſter all the Town, until they were relieved by Men from the Country: And becauſe there was a Doubt made, how all this ſhould be done in ſo ſhort a time, they did appoint, that all that were there preſent, ſhould not fail to meet again there the twentieth of *September*, to give an Account of all things, as well Hopes as Impediments. And if on that interview all Things ſhould happen to be well, that they go forward, or if otherwiſe, to prolong the Execution of it to a more convenient Time, and ſo we parted every man into the Country about his own Task. And I in my way home came to Mr. *Reylies* Houſe, and there I received a Letter from Sir *Phelim*

Novem.
1641.

'*O Neale*, that his Lady was dead, and to be buried on the *Sunday* following, this being on the *Saturday*, and deſiring me in all kindneſs to come to the Burial; and Mr. *Reyly* having received another Letter to the ſame effect, would needs have me go thither (whereunto I was very unwilling, being weary, withal not provided to go to ſuch a meeting) as well (ſaid he) to prevent any jealouſie from the Ladies Friends; as alſo to confer with Sir *Phelim* touching all thoſe proceedings (for neither he nor I ſpoke to Sir *Phelim* concerning the matters before) but to his Brother *Jorilagh O Neale*, and coming thither we found Captain *Brian O Neale*, lately come out of the Low-Countries, ſent over by Colonel *O Neale* to ſpeak to, and provoke thoſe of *Ulſter* to riſe out in Arms, and that he would be with them, on notice of their day, the ſame day, or ſoon after it. And it was asked of the ſaid Captain what Aid he could ſend or procure, being but a private Colonel, or where he could get any. He replyed, That the ſaid Colonel told him, that he had ſent to ſeveral places that Summer to demand Aid, and in particular to Cardinal *Richelieu* into *France*, (to whom he had ſent twice that Year) and had comfortable, and very hopeful Promiſes from them, and eſpecially from that Cardinal, on whom he thought the Colonel did moſt depend, ſo that there was no doubt to be made of Succour from him, and eſpecially when they had riſen out, that would be a means to the Cardinal to give Aid; we did the more credit him in regard of the former Treaty between the ſaid Cardinal and the Earl of *Tyrone*, as formerly is ſaid.

'For my own part, I did and do believe, that the Colonel doth depend on *France* for Aid, more than on any other place, as well for thoſe Reaſons, as alſo that *Ever mac Mahone*, formerly mentioned, told me, That preſently after the Iſle of *Rees* Enterprize (he being then in the *Low-Countreys*) did hear for certain, That the Earl of *Tyrone*, together with the Colonel, did ſend into *France*, to the Marſhal of *France* (that was General of the *French* Forces at the Iſle of *Ree*) to deal with him for procuring of Aid to come then for *Ireland*, and that he received an Anſwer from the ſaid Marſhal, that he was moſt willing and ready to contribute his Endeavours for his furtherance therein, but that he could not for the preſent anſwer my Lords Expectations, by reaſon that the King had Wars in *Italy*, which he thought would be at an end within half a year, or little more, and then my Lord ſhould not doubt of any thing, that he could do for his Aſſiſtance; but theſe continued a great deal longer, ſo for that time that Enterpriſe failed. So after the Burial was done, I gave thoſe Gentlemen knowledg of what I had done at *Dublin*, and how I was to retire thither; and then they began to think how they ſhould ſurpriſe *London-Derry*, they being near it, but could not then agree in the manner; and ſo Sir *Phelim* deſired me to take his Houſe in my way going to *Dublin*, and that I ſhould have a reſolution to carry with me touching *London-Derry*, and thereon I parted home, but ſoon after came to *Dublin* to the fore-appointed Meeting with thoſe Colonels. But firſt I took in my way Sir *Phelim O Neal's* Houſe, to be certain what he had done; and his Anſwer was, That he knew that matter could not be put in Execution by the Fifth of *October*, as was appointed, and that they would make another longer day for it; And that he would provide for the taking of *London-Derry* by that day, and ſo came to *Dublin* to give an account of that was done, and alſo know what further ſhould be done. I was not two

' hours

Novem.
1641.

‘ hours in my Lodging when Mr. *Moor* came to me (who knew what
‘ was done by thoſe Colonels formerly from Colonel *Bourn*), and told
‘ me, that the Meſſenger ſent to Colonel *O Neal*, was come with an Anſwer,
‘ deſiring us not to delay any time in riſing out, and to let him
‘ know of that day before-hand, and that he would not fail to be with
‘ us within Fourteen dayes of that Day with good Aid; alſo deſiring us
‘ by any means to ſeize the Caſtle of *Dublin*, if we could; for he heard
‘ that there was great Proviſion in it for War: And Mr. *Moor* moreover
‘ ſaid, That time was not to be over-ſlipped, and deſired me to be
‘ very preſſing with the Colonels to go on in their Reſolution; But on
‘ meeting the Colonels with them, they were fallen from their Reſolution,
‘ becauſe thoſe of the *Pale* would do nothing therein firſt; but
‘ when it was done, they would not fail to aſſiſt us. Colonel *Plunket*
‘ did affirm, and ſo by ſeveral meetings it was reſolved on by them to
‘ deſiſt from that Enterpriſe for that time, and to expect a more convenient
‘ time: But before that their Reſolution, Sir *Philim O Neal*, and
‘ the aforeſaid Captain *Bryan O Neal* followed me to *Dublin* (as they
‘ ſaid) to aſſiſt, and adviſe me how to proceed with that Colonel, but
‘ neither they nor Mr. *Moor* would be ſeen therein themſelves to thoſe
‘ Gentlemen, but would meet me privately and know what was done at
‘ every Meeting; alledging for Excuſe, That I being firſt employed in
‘ that matter, it would not be expedient that they ſhould be ſeen in it.
‘ And moreover, they would not be known to be in the Town but by a
‘ few of their Friends, until they were in a manner ready to depart the
‘ Town, at leaſt as long as I was in Town, for I left them there; But
‘ when I made them acquainted with their determination of deſiſting
‘ from that Enterpriſe, they thought it convenient, that we ſhould meet
‘ with Mr. *Moor* and Colonel *Bourn*, to ſee what was further to be done,
‘ concerning the further intention of their own, and according we did
‘ ſend to them that they ſhould meet us; and on that Meeting, it was,
‘ Where was only Sir *Phelim*, Mr. *Moor*, Colonel *Bourne*, Captain *Neal*,
‘ and my ſelf. After long debate, it was reſolved, That we with all
‘ thoſe that were of our Faction ſhould go on with that determination
‘ that was formerly made, concluded to riſe out. Moreover, to ſeize on
‘ the Caſtle as the Colonels were purpoſed, for if it were not for their
‘ project, and the advice ſent by Colonel *Neale*, we would never venture
‘ to ſurpriſe it, neither was it ever thought on in all the Meetings and
‘ Reſolutions between us, before thoſe Colonels did reſolve on it, but by
‘ reaſon, that the other Gentlemen that were privy to theſe proceedings
‘ were not preſent, the certainty of the time, and the manner how to
‘ execute it, was put off to a further meeting in the Country; and this was
‘ reſolved in *Dublin* up on the *Sunday* at Night, being the Twenty ſixth
‘ or Twenty ſeventh of *September*, and the meeting was appointed on
‘ the *Saturday* following at *Mac-Calloe*, *Mac-Mahones* Houſe in *Farney*
‘ in the County of *Monaghan*. And thereupon we all left the Town, only
‘ Sir *Phelim* ſtayed about ſome other his private occaſions, but did aſſure
‘ his being there at that day; and by reaſon, that at that Meeting the
‘ Gentry of *Lemſter* could not be, conſidering the remoteneſs of the
‘ place from them; it was thought fit that Mr. *Moore* ſhould there meet
‘ to receive the final Reſolution, and ſhould acquaint them therewith:
‘ And in the mean time Colonel *Bourne*, who had undertaken for Colonel
‘ *Plunkett*, ſhould inform them all the intention conceived, and diſpoſe
‘ them in readineſs againſt that day that ſhould be appointed. On *Saturday*

Novem. 1641.

'*turday* I came to Mr. *Mac Mahone*'s Houſe; there met only Mr. *Mac Mahone* himſelf, Captain *Neale*, *Ever mac Mahone*, and my ſelf, and thither that ſame day came the Meſſenger that was ſent to Colonel *Neal*, and did report the Colonel's Anſwer and Advice *verbatim*, as I have formerly repeated from Mr. *Moore*; and by reaſon that Sir *Phelim*, his Brother, or Mr. *Phillip Reyly*, that were deſired to meet, did not meet, we ſtayed that Night to expect them, and that Night I received a Letter from Sir *Phelim*, intreating us by any means, not to expect him untill the *Munday* following; for he had, nor could diſpatch ſome occaſions merely concerning him, but what ever became of them, he would not fail of the *Munday*: And the next day after receipt of the Letter being *Sunday* (by Mr. *Moor*'s advice) we departed from Colonel *Mac Mahone*'s Houſe, to prevent (as he ſaid) the ſuſpition of the *Engliſh* there (many living near) to *Loghroſſe* in the County of *Ardmagh* to Mr. *Torilagh O Neal*'s Houſe (not Sir *Phelim*'s Brother, but Son to Mr. *Henry O Neale* of the *Fewes*, Son in Law to Mr. *Moore*) and left word, That if Sir *Phelim*, or any of thoſe Gentlemen did come in the mean time, they ſhould follow us thither, (whither only went Mr. *Moore*, Captain *O Neale* and my ſelf) and there we expected until the *Tueſday* ſubſequent before any of thoſe did come. On the *Tueſday* came Sir *Phelim*, and *Ever mac Mahone*, all the reſt failing to come, Mr. *mac Mahone*'s Wife was dead the Night before, which was the cauſe that he was not there, but I gave his aſſent to what ſhould be concluded to therein, and execute what ſhould be appointed him; and then we five (*viz.*) Sir *Phelim*, Mr. *Moore*, Captain *O Neale*, *Ever mac Mahone* and my ſelf, aſſuring our ſelves, that thoſe Gentlemen abſent ſhould both allow, and joyn to what we ſhould determine, did grow into a final Reſolution, grounding all or moſt part of our hope and confidence on the Succours from Colonel *O Neale*, to ſeize on the Caſtle, and riſe out all in one day, and the day was appointed on the 23*th* of that Month, this being the 5*th* day of *October*, having regard therein to the day of the Week, whereon that day did fall, which was the *Saturday*, being the Market day, on which day there would be leſs Notice taken of people up and down the Streets; Then began a queſtion who ſhould be deputed for the Surpriſal of the Caſtle, and then Mr. *Moore* ſaid he would be one of them himſelf, and that Colonel *Bourne* ſhould be another, and what other Gentlemen of *Lemſter* they could procure to joyn with them, and ſeeing the Caſtle had two Gates, the one the great, the other the little Gate going down to my Lord Lieutenant's Stables, hard by which Stables, without the Caſtle, was the Store-Houſe for Arms, they of *Lemſter* would undertake one Gate, and that ſhould be the little Gate, and the great Gate ſhould be undertaken by thoſe of *Vlſter*, and (ſaid he) of neceſſity one of you both (meaning Sir *Phelim* and me) muſt be there, for the meer countenance of the matter, it being the glory of all our proceedings, and all that his Speech was well liked of all preſent: But Sir *Phelim* would be exempted from that employment, and ſo would I; but then all of them ſet on me, deſiring me to be one, alledging for Reaſon, that their Proceedings and Reſolutions were very honourable and glorious, it being for Religion, and for to procure more liberty for their Country, as did (ſay they) of late *Scotland*, and that in taking the Caſtle conſiſted all the glory and honour of the ſaid Act; all which ſhould be attributed to them which ſhould be imployed therein, and ſo by conſequence all, or moſt part to be there,

Novemb. 1641.

being (as they ſaid) the chief in that Enterprize, and more, Sir *Phelim* ſaid that he would endeavour to take or procure others to take *Londonderry* the ſame day, and if he ſhould be away, that place would not be taken; with theſe and many other perſwaſions they obtained my conſent, and then the Captain offered himſelf: they began to think what number ſhould be imployed in that Act; and they concluded on Two Hundred Men, one Hundred from each Province, for thoſe Gates which they ſeize on, of which number Sir *Phelim O Neale* ſhould ſend forty with an able ſufficient Gentleman to conduct them: And likewiſe Captain *Neale* twenty, Mr. *Mac-Mohone*, Mr. *Reyly* ten more, and I ſhould bring twenty two; then began a doubt how they ſhould raiſe thoſe Men, and convey them to *Dublin* without ſuſpicion; and it was anſwered that under pretence of carrying them to thoſe Colonels that were conveying Soldiers into the Kingdom, it might ſafely be done; and to that purpoſe Sir *Phelim O Neale*, Mr. *Moore*, and the Captain had ſeveral blank Patents with Deputations to make Captains to thoſe Colonels, which they ſent to thoſe that ſhould ſend men to *Dublin*: for the more colour, they bethought of what was to be done in the Country that day, and it was reſolved, that every one privy to that matter in every part of the Kingdom ſhould riſe up that day, and ſeize on all the Forts and Arms in the ſeveral Counties to make all the Gentry Priſoners, the more to aſſure themſelves againſt any averſe fortune, and not to kill any, but where of neceſſity they muſt be forced thereunto by oppoſition (and that thoſe that were appointed for taking of the Caſtle ſhould obſerve) and in particular the Gentry: All their Army in *Vlſter* to take that day *Londonderry*, which Sir *Phelim* did undertake, and *Knockfergus*, which they thought Sir *Henry Mac O Neale* would do; and to that end Sir *Phelim*'s Brother *Torilagh O Neale* ſhould be ſent to them; and the *Newry* which ſhould be undertaken by Sir *Conne Magennis*, and his Brothers; for whom Sir *Phelim*, in regard they were his Brothers-in-law, his deceaſed Lady being their Siſter, did undertake. Moreover, it was agreed, that Sir *Phelim*, Mr. *Reyly*, Mr. *Coll mac Mahone*, and my Brother ſhould with all the ſpeed they could after that day raiſe all the Forces they could, and follow us to *Dublin*; but to Arm the Men, and Succour, and Attend, and Garriſon the Town and Caſtle: And likewiſe Mr. *Moor* ſhould appoint *Lemſter* Gentlemen to ſend like ſupply of Men; then there was fear of the *Scots* conceived, that they ſhould preſently oppoſe themſelves, and that would make the matter more difficult, and to avoid which danger, it was reſolved on, not to meddle with them, or any thing belonging to them, and to demean themſelves towards them, as if they were of themſelves, which they thought would pacifie them from any oppoſition; and if the *Scots* would not accept of that offer of amity, but would oppoſe them, they were in good hope to cauſe a ſtir in *Scotland* that might divert them from them; and I believe the ground for that hope was, That two years before, in or about the beginning of the *Scots* Troubles, my Lord of *Tyrone* ſent one *Torilagh O Neal* (a Prieſt) out of *Spain*, and that this, I take it, was the time that he was in Treaty with Cardinal *Richelieu*, to my Lord of *Argile*, to Treat with him for help from my Lord, for him to come into *Ireland*, as was ſaid for Marriage between the ſaid Earl and my Lord of *Argile's* Daughter (or Siſter I know not which) and this Meſſenger was in *Ireland*, with whom Mr. *Torilagh O Neale*, Sir *Phelim's* Brother

Novemb. 1641.

‘ther had conference, from whom this Relation was had; that ſaid Meſſenger went into *Scotland*, as I did hear from the ſaid Mr. *Neale*, or from *Ever mac Mahone* aforenamed, I know not from which of them; but what he did there I could never hear, by reaſon that my Lord of *Tyrone* was preſently after killed: they were the more confirmed therein, hearing that my Lord of *Argile* did ſay (near to the ſame time as I gueſs, and when the Army was raiſed in *Ireland*, as I think) to a great Lady in *Scotland*, I know not her name, but did hear, that ſhe was much imbarqued in the Troubles of that Kingdom, there ſhe queſtioning, how they could ſubſiſt againſt the two Kingdoms of *England* and *Ireland*, that if the King did endeavour to ſtir *Ireland* againſt them, he would kindle ſuch a Fire in *Ireland*, as would hardly or never be quenched: And moreover they knew my Lord to be Powerful with the *Highlanders*, *Redſhanks* in *Scotland*, whom they thought would be prone, and ready to ſuch Actions, they for the moſt part deſcended out of *Ireland*, holding the *Iriſh* Language and Manners ſtill, and ſo we parted. The next day being *Wedneſday Leghroſe* every man went about his own taſk, and ſo when I came home, I acquainted my Brother with all that was done, and what they had appointed him to do, and did like according as they had appointed me, ſend to Mr. *Reyly* to let him know as much, and the 18*th* of the ſame Month I began my Journy to *Dublin*; and when I came to *Dublin* (being the day before the appointed day for putting that Reſolution in Execution there) I met with Captain *Conne O Neal*, ſent out of the *Low-Countreys* by Colonel *O Neal*, who was ſent, after the Meſſenger ſent by us formerly to the ſaid Colonel was by him diſappointed with his Anſwer, to encourage us in our Reſolution, and to ſpeedy Performance, with aſſurance of Succour, which he ſaid would not fail of the Colonel's behalf, and for the more certainty of help from him, and to aſſure us, that the Colonel had good hopes to procure Aid from others, he ſaid that it was he himſelf, that was imployed from him to Cardinal *Richelieu* twice, that ſome men who gave very fair promiſes to aſſure the Colonel's expectations, with which he ſaid, that the ſaid Colonel was really with himſelf aſſured of the Cardinal's Aid, and that he was likewiſe commanded by the Colonel upon our Reſolution of the day, to give notice thereof to him, and that he would be within 14 days over with them with Aid; but he landed 9 or 10 days before, and meeting with Captain *Brian O Neal*, who made him acquainted with what was Reſolved; he did write all the matter to Colonel *O Neal*, ſo as he was ſure of his ſpeedy coming: And ſo that Evening he and I came to meet the other Gentlemen; and there were met Mr. *Moore*, Colonel *Bourne*, Colonel *Plunkett*, Captain *Fox*, and other *Lemſter* Gentlemen, a Captain (I think of the *Bournes*, but I am not ſure whether a *Bourne* or a *Toole*) and Captain *Brian O Neale*, and taking an account of thoſe that ſhould have been there; it was found that Sir *Phelim O Neale*, Mr. *Collo mac Mahone* did fail of ſending their Men; and Colonel *Bourne* did miſs Sir *Morgan Cavanagh*, that had promiſed him to be there, but he ſaid he was ſure he would not fail to be that Night or the next Morning in Town: And of the two hundred men that were appointed, there were only eighty preſent, yet notwithſtanding they were reſolved to go on in their Reſolution, and all the difference was at what time of the day they would ſet on the Caſtle, and after ſome debate, it was reſolved in the

Novemb. 1641.

‘Afternoon, and the rather hoping to meet the Colonel there then; for they ſaid, if they ſhould take the Caſtle, and be enforced by any extremity for not receiving timely ſuccour out of the Country (having them they could not want) and ſo parted that Night, but to meet in the Morning to ſee further what was to be done, and immediately thereupon, I came to my Chamber, and about Nine of the Clock, Mr. *Moore* and Captain *Fox* came to me, and told me all was diſcovered, and that the City was in Arms, and the Gates were ſhut up, and ſo departed from me: And what became of them and of the reſt, I know not, nor think that they eſcaped, but how, and at what time I do not know, becauſe I my ſelf was taken that Morning.

But how long ſoever this Plot was contriving, and how much ſoever the Parliament by their Papers, Anſwers and Declarations indeavoured ſecretly to reflect upon the King, and by the Mercenary Tongues and Pens of their Infamous Agents more openly, that the Rebellion began by his Knowledge and Connivance, and by that wicked Calumny laid all the Maſſacres and Murthers, which they heightned to the utmoſt, at His Majeſties door, thereby to diſpoſſeſs him of the Allegiances and Affections of his Subjects; yet it is more then probable, the Rebellion would not have broke out then, if ever, had not the Committee of the Parliament of *Ireland*, ſome of which were the Continuers of, and Actors in it, had too near a proſpect of a Rupture between the King and the Two Houſes, and that it would inevitably and quickly come to a War; for all other Circumſtances in that Juncture threatned their unavoidable Ruine in the Attempt, unleſs *England* and *Scotland* were Embroiled, ſo as not to be able to ſuppreſs them, as if it had not been for the ſucceeding Rebellion in *England*, they could not but know, would be very eaſily done; and none but people mad and ſenſeleſs would without ſuch, almoſt a certain, proſpect of the *Engliſh* Rebellion, have been tempted, to forfeit not only the Extraordinary Graces they had newly received from the King; and the Indulgence afforded them in the Exerciſe of their Religion, but their Lives and Fortunes alſo. And for any hopes of Foreign Aſſiſtance, the *French* and the *Spaniard* were at War, and under all the Conſequences of it, neceſſity of Men and Money to ſupply their own Affairs; and as the Reader may remember both the Ambaſſadors of thoſe Princes were preſſing both the King and Parliament for Men out of *Ireland*, ſo far were they from ſupplying the *Iriſh* with any: And for the Pope, beſides that he is never over liberal of the Temporal Treaſure of the Church, he was at a Diſtance too Remote, and too impotent in Shipping, to give them any Aſſiſtance; indeed he might probably be very Prodigal of thoſe cheap and uſeleſs Spiritual Treaſures of the Church, Indulgences, Bleſſings, Reliques, and promiſes of Miracles in their Favour, but had he imployed both the Swords, and unlocked all the Treaſures with St. *Peter*'s Keys, yet could he not without a real Miracle, nay many, have ſaved them from moſt unavoidable Ruine and Deſtruction, had *England* and *Scotland* continued in Peace; ſo that it will plainly appear, that if not the Deſign, yet the Execution of it at that time, depended wholly upon the certain expectations of a Civil War, and the Confuſions that attend it, which it was not difficult for the *Iriſh* Committees, who were upon the Earl of *Strafford*'s account, very intimate with the Faction of the Parliament, to diſcover and foreſee. And this is moſt certain, that the Rebels of each ſide made great advantages of the Rebellion; and as in probability

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Novemb. 1641.

the *Iriſh* had not then broke out, but that they had the *Engliſh* Rebellion in view, ſo the *Engliſh* Rebels made their firſt Levies of Men and Money, with which they fought againſt the King under colour of ſuppreſſing the *Iriſh* Rebellion: And this is moſt certain, That had *Ireland* continued in Peace, *Scotland* dareſt not have ſtirred, as they did, to give aſſiſtance to the *Engliſh* Rebels, and indeed to give the Fatal Turn to the ballance of the War, which then ſeemed to incline to the Royal Party; and the great things *Montroſs* did there with a handful of Men, eaſily ſhew what might have been done to the King's Aſſiſtance, if *Ireland* had been in Peace. So that if theſe Rebellions did not beget one another, as 'tis very probable they did, 'tis certain they fed and ſupported each others Flames, and betwixt them burnt down both Church and State in theſe three miſerable Kingdoms.

And that the Reader may ſee what the *Iriſh* Rebels ſaid for themſelves, I have here ſubjoyned the *Remonſtrance* which they publiſhed for their Vindication; a Copy of which was procured from one Mr. *Wentworth*, who had it from them while he was Priſoner among them; and being Printed, I find it among the Collection of the Prints of that Time; The Parliament indeed had one ſent over from the Lords Juſtices in *Ireland*, and I find in the Journal of the Lords, that it was read in their Houſe; but, in regard, though it had ſome Scandalous Reflections upon the King, as being willing to favour their Religion, which in due time we ſhall prove utterly falſe, and that in this common Calumny they agreed with the *Engliſh* Rebels, yet in regard it ſeemed, and that not without great probability, to charge the Rebellion upon the Parliament, and their preſent Proceedings and future Intentions, the thing was at that time ſmothered; for it is neither Entred in the Journal, as uſually Papers of that Importance were wont to be, nor can I find any Order for the Printing or Publiſhing of it, or for any Anſwer to take off the Charge of the Rebels againſt the Parliament. Take it however as I find it in Print.

The *Remonſtrance* of the Rebels in *Ireland*.

The Remonſtrance of the *Iriſh* Rebels, Oct. 23. 1641.

W*HEREAS we the* Roman *Catholicks of this Kingdom of* Ireland, *have been continual Loving and Faithful Subjects to his Sacred Majeſty, and notwithſtanding the General and Hard Oppreſſions, ſuffered by Subordinate Governors, to the Ruine of our Lives, Honors and Eſtates.*

Yet having ſome Liberty of Religion from his Majeſty, out of the Effluence of his Princely Love unto Us; We weighing no Corporal Loſs, in reſpect of that great Immunity of the Soul, are inviolably reſolved, to infix our Selves, in an immutable and pure Allegiance for ever, to his ſaid Royal Majeſty and his Succeſſors.

Now ſo it is, That the Parliament of England, *Maligning and Envying any Graces, received from his Majeſty by our Nation, and knowing none ſo deſired by us, as that of Religion; And likewiſe perceiving his Majeſty to be inclining to give us the Liberty of the ſame, drew his Majeſties Prerogative out of his Hands; thereby largely pretending the General Good of his Majeſties Kingdoms: But We the ſaid Catholicks and Loyal Subjects to his Majeſty, do probably find, as well by ſome Acts to paſs by them the ſaid Parliament, touching our Religion, in which the Catholicks of* England *and* Scotland *did ſuffer; as alſo by Threat, to ſend over the* Scottiſh *Army,*

Novemb. 1641.

with the Sword and Bible in Hand againſt us, that this whole and ſtudied Plot was, and is not only to extinguiſh Religion, by which we altogether live Happy, but likewiſe to ſupplant us, and raze the Name of Catholick Iriſh, *out of the whole Kingdom. And ſeeing this Surprize ſo dangerous, tending abſolutely to the overthrow of the Liberty of our Conſciences and Country, and alſo our Gracious King's Power forced from him, in which, and in whoſe prudent Care over us, our ſole Quiet and Comfort conſiſted; and without the which, the Fear of our preſent Ruines, did preſcribe the Opinion, and premoniſh us to ſave our Selves. We therefore, as well to regain his Excellent Majeſties ſaid Prerogative, being only due to him and his Succeſſors, and being the Eſſence and Life of Monarchy, hoping thereby to Confirme a Strong and Invincible Unity, between his Royal and ever happy Love unto us, and our faithful Duty and Loyalty to his incomparable Majeſty, have taken Arms, and poſſeſſed our Selves, of the beſt and ſtrongeſt Forts of this Kingdom, to enable us to ſerve his Majeſty, and defend us from the Tyrannous Reſolutions of our Enemies: Thus our Conſciences, as we wiſh the Peace of the ſame, to our ſelves and our Poſterity, is the Pretence and true Cauſe of our preſent Riſing in Arms, by which we are reſolved to perfect the Advancement of the Truth, and the Safety of our King and Country. Thus much we thought in General, fitting to publiſh unto the World, to ſet forth our Innocent and juſt Cauſe, the particular whereof ſhall be ſpeedily declared. Dated* 23 October 1641.

We do declare unto God and the World, That what we do or have done, is for the Maintenance of the Kings and our Religion, and for fear theſe our Doings ſhould be miſconſtrued, We thought good to make known unto the World, by this our Declaration and Remonſtrance.

(1) *The ſeveral private Meetings of Factious and Ill diſpoſed People, unto our Government and Common-Wealth, at ſeveral Places Plotting and Deviſing our utter Ruine, and the Extirpation of our Religion.*

(2) *Several Men imployed by them, with Inſtruments ready drawn, for to get Hands thereunto, to be preferred to the Parliament of* England; *whereby they would have the Papiſts, as they call them, and the Proteſtant, Biſhops of the Kingdom, whom they joyn with the Papiſts, and hate as they hate the Papiſts, the Biſhops to be depoſed, and the Papiſts baniſhed, or otherwiſe rooted out of this Kingdom.*

(3) *The Government of this Kingdom ſucceſſively, put into the hands of ſo many Needy and Poor Miniſters, who for raiſing of themſelves have by ſcruing Inventions Poll'd the Gentry and Commons of this Kingdom, that no Man was ſecured of any thing he had.*

(4) *We ſaw his Majeſty, to whom we thought to Addreſs our ſelves was ſo oppreſſed by the Arrogancy of ſuch Faithleſs and Diſloyal Subjects, and as it were cut off from all Prerogative, that we could not expect any Redreſs, as long as they ruled in his Kingdom as now they do.*

All which we taking into our ſerious Conſideration, did fear we ſhould be circumvented on the ſuddain, and for our Security did think fit to arm our Selves for our own Defence and Safety of his Majeſty, from ſuch wicked Perturbers of all Common-Wealths, where they get any Superiority, that they will not admit either of the Kings or Biſhops; as well Witneſs Germany: *and for the Places we have taken, we will yield them up, when his Majeſty pleaſeth to Command us, and takes a Courſe for Securing of us, and the Proteſtants of this Kingdom, who are only his true and obedient Subjects, againſt ſuch Factious and Seditious Puritanes, the Diſturbers of all States, as had brought the like Miſery on Queen* Elizabeth *and King* James, *had* *they not been by them and their wiſe Councels prevented; which we thought fit to intimate unto the good Subjects, that they may the more willingly aſſiſt us, until we be at better leiſure to make our great Grievances known unto his Majeſty, and he have more power to relieve us.*

And becauſe they nor any others ſhall have any reaſon to accuſe me with Partiality, I here preſent the Reader with a Narrative which I find Printed in *P. W.*'s Anſwer to the Lord *Orrery* as follows:

A Narrative of ſome things done in the beginning of the Rebellion, which *Iriſh* Papiſts plead in mitigation of their taking Arms.

THey therefore, meaning the Engliſh Nation, *and the whole World, may be pleaſed to know, That We,* ſpeaking of the *Iriſh, are ſo far from juſtifying any horrid Actions perpetrated at that time, when but a few of any Quality raiſed a Rebellion in the* North, *as we have, and ſtill make it our requeſt, That thoſe Crimes and all Maſſacres and Murthers then or after committed, whoever ſhall be found guilty of them, be puniſhed. Yet we may not omit, although no motive whatſoever could juſtifie their Undertakings, to repreſent, That before they fell from their Obedience to the Government, Sir* William Parſons, *one of the Lords Juſtices that ſupplied the Deputy's place, at a publique Entertainment before many Witneſſes, did poſitively declare,* That within a Twelvemonth, no Catholick ſhould be ſeen in *Ireland. Many hands were ſought, and Thouſands were found to ſubſcribe a Petition, tending to the introducing a ſevere Perſecution againſt Catholiques, who were the far greater number of the Inhabitants of* Ireland; *and the menace of an Invaſion of a* Scottiſh *Army, of which men did at that time frequently diſcourſe, bred frightful apprehenſions. So as theſe and other Grounds of ſuſpition, being improved by ſuch among them, whoſe particular Intereſts could be moſt favoured, and better advanced in Unquiet Times, laid the Foundation of that Rebellion. But even thoſe Men, and at that time, when the Lords Juſtices did not appear to be prepared for Reſiſtance, by their* Remonſtrance *humbly begg'd their Grievances might be redreſſed by the Advice of the Two Houſes of Parliament then met at* Dublin. *But the Lords Juſtices, who by their Words, and Actions, not only Expreſſed their unwillingneſs to ſtop the farther growth of theſe Diſtempers, but meant to increaſe them, and were often heard to wiſh, That the Number were greater of ſuch as became Criminal, by Proroguing the Parliament, made them Deſperate. However, the Nation by their Repreſentatives, in the two days which were only allowed them to Sit, husbanded their time ſo, as to leave to Poſterity a Monument of their averſion to ſuch attempts, by declaring, That thoſe men had Trayterouſly and Rebelliouſly taken Arms, and offering to employ their Lives and Fortunes in reducing them to their Obedience, if they might be permitted then to Sit. But this was denyed them; and by a ſtrange change from the Ancient Form of Government, a Parliament then Sitting was Prorogued; whereas our Anceſtors, upon a far leſs occaſion, then quieting of ſo high diſtempers, were uſually called upon, to Aſſiſt the King with their Advice. To this may be added, That the Earl of* Ormond *propoſed at the Council-Board, the raiſing of* 5000 *Men in the ſpace of Three Weeks, if he might be authoriſed ſo to do, with which Strength he undertook to diſſipate thoſe then weak beginnings of the Enſuing Miſchiefs, and to prevent their farther growth, but was refuſed it; ſo as thus far we may obſerve who they were that widened the Wound, inſtead of ſtanching the Blood.*

This Foundation being thus laid, that which at firſt was but a ſpark, and might

Novem. 1641.

might be eaſily quenched, began to Flame: And freedom of Rapine having ſuddenly drawn Numbers together, the unrepreſs't Conſpirators became a Formidable Army, and beſieged Tredah, paſsing the River of Boyne, which was the Rubicon of the Pale, and had in all former Rebellions been maintained with their blood, by thoſe antient Engliſh Colonies planted there: Now it was that the Times began to favour the Deſign of the Lords Juſtices, and their Party in the Council, which was as forward as they to foment the Diſtractions: for the Ulſter Army lying in the Bowels of the Country, the Forces being not yet come out of England, and the Natives themſelves both unarm'd and diſtruſted by the State, they were forced at firſt, by their Regular Contribution, to prevent the deſolation which would have followed their refuſal to ſupply them. Hereupon ſuch Contributors began to be looked upon, and Character'd as Men fallen from the Government: And a Party that was ſent from Dublin, having killed at Santry, but three Miles diſtant from thence, ſome innocent Husband-men, among whom there was two Proteſtants, and carried their heads as in Triumph to the City, the neighbour Inhabitants alarm'd thereat, had recourſe to ſuch Weapons as firſt came to hand, and gathered in a Body; whereupon the Lords Juſtices ſet forth a Proclamation, in Nature of a ſafe Conduct, by which, theſe ſo in Arms, and Mr. King of Clantarſſe by ſpecial name, had five days reſpite to come in and preſent their Grievances: But before three Nights of the time prefixed were Expired, Mr. King's Houſe was Pillaged, and Burnt by direction of the Lords Juſtices.

Not long after, ſupplies being arrived out of England, and the Siege of Tredagh Raiſed, and conſequently the force removed, which neceſſitated the Inhabitants to comply with the Ulſter Army, the Nobility and Gentry of the Pale prevailed with Sir John Read, His Majeſties Sworn Servant, a ſtranger to the Country, un-engaged, and an Eye-witneſs of their proceedings, then upon his Journey to England, to take the pains to preſent their Remonſtrance to His Majeſty, and to beg Pardon for what they were thus compelled to Act. But he poor Gentleman coming to Dublin, was apprehended, and not concealing the Meſſage intruſted with him, was put to the Rack; the moſt part of the Queſtions which were then asked him in Torment, being no other, then ſuch as might lead him to accuſe the King and Queen to be Authors and Fomenters of that Rebellion.

Moreover, the Two Houſes of Parliament in England, for the better inducing the Rebels to repent of their wicked attempts, commended to the Lords Juſtices, according to the Power granted them in that behalf, to beſtow His Majeſties Gracious Pardon to all ſuch as within a Convenient time, &c. ſhould return to their Obedience. The Lords Juſtices, notwithſtanding ſuch Order, and His Majeſties Gracious Pleaſure ſignified to that effect, by their Proclamation dated in November, 1641, limited ſuch His Majeſty's, and the Parliament's of England, their favourable and general intentions, to the Inhabitants of a few Counties, provided always, they were not Free-holders; and afforded them no longer time then Ten days after the Proclamation to receive benefit thereby. But notwithſtanding theſe Reſtrictions, the Lord of Dunſany, Sir John Netervill, Patrick Barnewal of Kilbrue, and many others who had notice of His Majeſties Gracious Inclination towards the Nation, and the Parliament of England's Order in favour of them, ſubmitted to the Lord Marqueſs of Ormond, then Lieutenant General of His Majeſties Army, who recommended them to the Lords Juſtices, intimating, that the good Uſage to be Extended to them,

Novem.
1641.

would have an Influence on many others, and be a great Motive to quiet the Diſtempers which then began to ſpread: But the Lords Juſtices, whoſe Deſign was not to be carried on by Mercy and Indulgence; to prevent Submiſſions, Impriſoned, and Indicted by a Jury, which did not conſiſt of Freeholders, thoſe ſo Submitting; and put the ſaid Mr. Barnewal, *of the Age of 66 years, to the Torture of the Rack. This notwithſtanding, the Noblemen and Gentry inhabiting the Country next to* Dublin, *applied themſelves humbly by their Letter, to the Lords Juſtices; which when the Earl of* Caſtlehaven *a Nobleman of* Engliſh *Birth, who freely, before that time, had acceſs to* Dublin, *came to preſent, he was made a Priſoner. Wherefore when the Nation obſerved, That their advice in Parliament was not only thought unneceſſary, but themſelves involved in a general diſtruſt:*

That neither the Parliaments, nor the Marqueſs of Ormond's *offer to ſuppreſs the Rebellion, would be accepted:*

That the inforced complying of the Nobility and Gentry of the Pale with a powerful Army, which was Maſter of their Lives and Fortunes, was imputed to them as a malicious averſion from the Engliſh *Government:*

That the blood of Innocent Husband-men was drawn, and the heads of Men were grown an acceptable Spectacle in Dublin:

That the Publick Faith was broken, and Mens Houſes, particularly inabled to claim benefit by it, pillaged and burnt:

That all ways were obſtructed by which they might implore His Majeſties Mercy, and repreſent their Conditions:

That the Favourable Intentions of the Parliament of England, *and His Majeſties Gracious Pardon, which was meant ſhould extend to all, ſave ſuch as were guilty of blood, was ſo limited by them, as no eſtated man could receive benefit by it:*

That thoſe who notwithſtanding theſe Reſtrictions, caſt themſelves freely upon His Majeſties mercy, were Impriſoned, Indicted, and ſome of them Rack't:

That the Earl of Caſtlehaven *might have found it a Capital Crime to mediate in their behalf, if he had not made his Eſcape after Twenty Weeks Impriſonment:*

That the King's Sworn Servant was Rack't, and his Miniſters, whoſe Duty it was to have been Zealous for the honour of their Maſter, endeavoured to aſperſe it; and render him and his Royal Conſort odious to his People, by ſtriving to Extort from a tortur'd man, ſome Teſtimony, by which they might be accuſed of raiſing and Fomenting that Rebellion; When theſe and many other Arguments, of this kind, which for fear of prolixity are omitted, had convinced the Catholiques of Ireland, *that the Lords Juſtices, and that part of the Council which adhered to them, became unfaithful to His Majeſty, and had deſigned the Ruine of that Nation, and the Extirpation of their Religion, that Law which moves the hand by interpoſing it ſelf to bear off a ſtroak aimed at the Head, Convened an Aſſembly of theſe, who were expoſed to thoſe ſo eminent dangers, in which they modelled a Government in order to their Natural defence; obliging themſelves by ſuch an Oath to His Majeſty, his Heirs and Succeſſors, as well ſhewed their affection to the Crown, and their unalterable reſolutions to maintain His Majeſties Rights, and to follow his Fortune.*

Between theſe divided Governments there have been Battels fought, Cities and Forts beſieged, and much Chriſtian Blood ſpilt, which will one day lye at ſome Mens doors: And who thoſe are, the Eternal Wiſdom *beſt knows, and the Reader is left free to determine.* Thus far the ſaid Narrative, Printed and Publiſhed at *London* in the Year 1660, And which I find in *P. W*'s Reply to the * Perſon of Quality's Anſwer, &c. *Pag.* 7.

* Earl of *Orrery.*

By which it appears, That the Lords Juſtices, uſed ſome indiſcreet, as well as unjuſt Severities, which did not a little contribute to the inflaming of the Rebellion; but ſtill it was a Rebellion, which is a Crime ſo black and horrid in the ſight of God and all good Men, that no excuſes can Palliate or Extenuate, nor any Circumſtances of Hardſhips or Oppreſſions, Injuſtice or Wrongs can juſtifie; ſince it is utterly inconſiſtent with not only all the Rules of Civil Polity, but the Divine Rules of Chriſtianity, which teaches us not to reſiſt the Powers which are ordained of God, under a penalty of Damnation, which is a danger and a loſs of ſo vaſt Extent, as that the loſs of Liberty, Goods, and even Life it ſelf, which are the utmoſt we can ſuffer from unjuſt Men, are but trifles if compared with it, and the Method is Extravagant to the very laſt Degrees of Folly and Madneſs, which applies a Medicine Ten Thouſand times worſe then the Diſeaſe, and is ſuch a piece of diſcretion, as for a Man to leap into the Sea, to avoid a ſhower which would wet him to the skin.

Without all Controverſie the Progreſs and Growth of this Horrid Rebellion, as before was obſerved, muſt be attributed in a great Meaſure to the Misfortune & Untimely Death of that Great Man and Wiſe Governor the Earl of *Strafford.* For upon his quitting of *Ireland*, the Nation which before ſeemed to do, and really injoyed a moſt Serene and Quiet Calm of Peace, began to be over-caſt and clouded with Diſcontents, Grievances, Fears and Jealouſies, which, notwithſtanding all the Power of the Beams of his Majeſties Grace and Favour which were ſo warmly beſtowed upon them, were ſo far from being thereby diſſipated that they ſtill Encreaſed, until at length thoſe black and ſullen clouds diſcharged themſelves in the moſt diſmal Tempeſt of Fire and Blood, that any Age, or almoſt any Nation under Heaven hath beheld.

Chriſtopher Wendesford Eſq; Mr. of the Rolls in *Ireland* made Lord Deputy there, *April* 3.

And this will moſt Evidently appear by the Conſequences which immediately followed upon the Earl of *Strafford*'s parting with the Rains of that Government: for upon his coming for *England*, *Chriſtopher Wendesford* Eſq; Maſter of the Rolls, was, the 3*d.* of *April*, 1640. ſworn Lord Deputy. He was a Perſon of great Abilities, and one with whom the Earl of *Strafford* had even from their Early Years contracted an Intimacy and Friendſhip, which Ended not but with their Lives; and ſo great was his Fidelity to this Noble Earl, that perceiving the Parliament of *Ireland*, who not long before had ſung ſuch *Hoſanna's* to the Earl of *Strafford* in the Preamble to the Bill of Subſidies, now running as faſt down the Hill in joyning with his Enemies in *England*, to procure his Ruin and Deſtruction, he Adjourned the Parliament in *November* following to the *26th* of *January*, hoping by that means, to prevent the Blow, which he ſaw they were levelling at that Wiſe and Illuſtrious Head; but notwithſtanding all that he could do, the Earl's Enemies made a ſhift before they broke up to frame a *Remonſtrance* againſt the Earl; and, though he uſed his utmoſt Endeavours to ſtop the *Committee* of the Parliament from carrying into *Englund*, yet was he not able to prevent it, nor their paſſage, but that all the Ports being open, four Lords and 12 Commoners, the greateſt part of which were Papiſts, paſſed

Novemb. 1641.

ſed over into *England*, and Exhibited their *Remonſtrance*, and did the Earl all the Ill Offices they were able, for which they were then Highly Countenanced and Careſſed by the Faction in the *Engliſh* Parliament, who, together with the *Scottiſh* Rebels, then at *London* to finiſh the Treaty between the Two Kingdoms, purſued the Life of that Great Man with the Utmoſt Vigor and Animoſity that Malice and Power would ſuggeſt unto them; The Names of the *Iriſh* Committees were, The Lord Viſcount *Gormanſton*, Lord *Kilmalloc*, Lord *Caſtiloe*, L. *Baltinglaſs*. Of the Commons, For *Lemſter*, *Nich. Plunkett*,   *Digby*, *Richard Fitz-Garret*, Eſquire. *Munſter*, Sir *Hardreſs Waller*, Sir *Donnogh Mac-Carti*, *John Welſh*, Eſquire. *Conaght*, *Robert Linch*, *Geffry Brown*, *Thomas Bourk*, Eſquires. *Vlſter*, Sir *William Cole*, Sir *James Montgomery*.

The Nomes of the *Iriſh* Committee.

The *Remonſtrance* was as followeth, addreſſed firſt to the L. Deputy *Wendesford*.

The humble and juſt Remonſtrance of the Knights, Citizens and Burgeſſes in Parliament Aſſembled.

Shewing,

The *Iriſh Remonſtrance*.

‘THat in all Ages ſince the happy ſubjection of this Kingdom to the Imperial Crown of *England*, it was and is a principal ſtudy and Princely Care of his Majeſty and his moſt noble Progenitors, Kings and Queens of *England*, and *Ireland*, to the vaſt Expence of Treaſure and Blood; That their Loyal and Dutiful People of this Land of *Ireland*, being now for the moſt part derived from *Brittiſh* Anceſtors, ſhould be governed according to the Municipal and Fundamental Laws of *England*; That the Statute of *Magna Charta*, or the Great Charter of the Liberties of *England*, and other laudable Laws and Statutes were in ſeveral Parliaments here Enacted and Declared; that by the means thereof, and the moſt Prudent and Benign Government of his Majeſty and his Royal Progenitors, this Kingdom was, until of late, in its growth, a flouriſhing Eſtate, whereby the ſaid People were heretofore enabled to anſwer their humble and natural Deſires, to comply with his Majeſties Princely and Royal Occaſions, by their free gift of 150 Thouſand pounds *ſterling*: And likewiſe by another free gift of 120 Thouſand pounds more, during the Government of the Lord Viſcount *Faulkland*, and after by the gift of 40 Thouſand pounds, and their free and cheerful gift of Six intire Subſidies, in the Tenth Year of his Majeſties Reign, which to comply with his Majeſties then Occaſions, ſignified to the then Houſe of Commons, they did allow ſhould amount in the Collections unto a Hundred and fifty Thouſand pounds (although as they confidently believe) if the Subſidies had been levied in a moderate Parliamentary way, they would not have mounted to much more than half the Sum aforeſaid, beſides the Four intire Subſidies granted in this preſent Parliament.

‘So it is, may it pleaſe your Lordſhip, by the occaſion of inſuing and other Grievances and Innovations, though to his Majeſty no conſiderable Profit, this Kingdom is reduced to that Extream and Univerſal Poverty, that the ſame is leſs able to pay Two Subſidies, than it was heretofore to ſatisfie all the before-recited great Payments, and his Majeſties moſt Faithful People of the Land, do conceive great Fears, That the ſaid Grievances and Conſequences thereof, may be hereafter drawn

Novemb. 1641.

‘into Preſidents, to be perpetuated upon their Poſterity, which, in their great hopes and ſtrong belief, they are perſwaded is contrary to his Royal and Princely Intention towards his ſaid People; of which Grievances are as followeth:

‘1. Firſt, The general apparent decay of Trades, occaſioned by the new and illegal raiſing of the Book of Rates, and Impoſitions upon Native, and other Commodities,Exported and Imported, by reaſon whereof, and of extream Uſage and Cenſures, Merchants are beggered both, and diſ-inabled and diſcouraged to Trade; and ſome of the Honorable Perſons who gain thereby often Judges and Parties. And that in the concluſion his Majeſties Profit thereby is not conſiderably advanced.

‘2. The Arbitrary deciſion of all Civil Cauſes and Controverſies by paper Petitions,before the Lord Lieutenant and Lord Deputy, and infinite other Judicatories upon references from them derived in the nature of all Actions determinable at the Common Law, not limited into certain time, cauſe, ſeaſon or thing whatſoever: And the conſequences of ſuch exceeding by immoderate and unlawful Fees, by Secretaries, Clarks, Purſivants, Serjeants at Arms, and otherwiſe, by which kind of proceedings hisMajeſty looſeth a conſiderable part of his Revenue upon original Writs,and otherwiſe: and the Subject looſeth the benefit of his Writ of Error, Bill of Reverſal, Vouchees, and other Legal and juſt advantages, and the ordinary courſe and Courts of Juſtice declined.

‘3. The proceedings in Civil Cauſes at Council Board, contrary to the Law and Great Charter, not limited to any certain time or ſeaſon.

‘4. That the Subject is in all the material parts thereof denyed the benefit of the Princely graces, and more eſpecially of the Statute of *Limitations* of 21 *Jac.* Granted by his Majeſty in the Fourth year of his Reign, upon great advice of Council of *England* and *Ireland*,and for great conſideration, and then publiſhed in all the Courts of *Dublin*,and in all the Counties of this Kingdom in open Aſſizes, whereby all perſons do take notice, That contrary to his Majeſties Pious Intentions,his Subjects of this Land have not enjoyed the benefit of his Majeſties Princely Promiſe thereby made.

‘5. The Extrajudicial avoiding of Letters Patents of Eſtates; of a very great part of his Majeſties Subjects under the Great Seal (the Publique Faith of the Kingdom) by private Opinions, delivered at the Council-Board, without Legal Evictions of their Eſtates,contrary to the Law, and without preſident or example of any former Age.

‘6. The Proclamation for the ſole Emption and uttering of Tobacco, which is bought at very low rates, and uttered at high and exceſſive rates, by means whereof Thouſands of Families within this Kingdome, and of his Majeſties Subjects, in ſeveral Iſlands, and other parts of the *Weſt-Indies* (as your Petitioners are informed) are deſtroyed; and the moſt part of the Coyn of this Kingdom is ingroſſed into particular hands: Inſomuch as the Petitioners do conceive that the Profit ariſing and engroſſed thereby, doth ſurmount his Majeſty's Revenue, certain or caſual, within this Kingdom, and yet his Majeſty receiveth but very little Profit by the ſame.

‘7. The univerſal and unlawful increaſing of Monopolies, to the advantage of a few,to the diſprofit of his Majeſty, and Impoveriſhment of his People.

8. ‘The extream and cruel uſage of certain late Commiſſioners, and other Stewards, the *Britiſh* Farmers and Inhabitants of the City and County of *London-Derry*, by means whereof the worthy Plantation of that Country is almoſt deſtroyed, and the Inhabitants are reduced to great Poverty, and many of them forced to forſake the Country, the ſame being the firſt and moſt uſeful Plantation in the large Province of *Ulſter*, to the great weakening of the Kingdom, in this time of danger, the ſaid Plantation being the principal ſtrength of thoſe Parts.

9. ‘The late erection of the Court of High-Commiſſion, for Cauſes Eccleſiaſtical in thoſe neceſſitous times, the proceedings of the ſaid Court in many Cauſes without Legal Warrant; and yet ſo ſupported as Prohibitions have not been obtained, though legally ſought for: And the exceſſive Fees exacted by the Miniſters thereof, and the encroaching of the ſame upon the Juriſdiction of other Eccleſiaſtical Courts of this Kingdom.

10. ‘The exorbitant Fees, and pretended Cuſtoms exacted by the Clergy againſt the Law, ſome of which have been formerly repreſented to your Lordſhip.

11. ‘The Petitioners do moſt heartily bemoan that His Majeſties ſervice and profit are much more impaired then advanced, by the Grievances aforeſaid; and the Subſidies granted in the laſt Parliament having much increaſed His Majeſties Revenue, by the buying of grants, and otherwiſe: And that all His Majeſties debts then due in this Kingdom, were ſatisfied out of the ſaid Subſidies; and yet His Majeſty is of late (as the Petitioners have been informed, in the Houſe of Commons) become indebted in this Kingdom, in great Sums: And they do therefore humbly beſeech, that an exact accompt may be ſent to His Majeſty, how and in what manner his Treaſure iſſued.

12. ‘The Petitioners do humbly conceive juſt and great fears, at a Proclamation publiſhed in this Kingdom, in *Anno Domini* 1635. Prohibiting Men of Quality or Eſtates to depart this Kingdom into *England*, without the Lord Deputies Licenſe, wherein the Subjects of this Kingdom are hindred and interrupted from free acceſs to Addreſs to His Sacred Majeſty, and Privy Council of *England*, to declare their juſt Grievances, or to obtain Remedies for them in ſuch ſort as their Anceſtors have done, in all Ages ſince the Reign of King *Henry* the Second, and great Fees exacted, for every of the ſaid Licenſes

13. ‘That of late His Majeſties late Attorney General, hath exhibited Informations againſt many Boroughs of this Kingdom, into His Majeſty's Court of Exchequer, to ſhew cauſe, by what Warrant the ſaid Burgeſſes (who heretofore ſent Burgeſſes to the Parliament) ſhould ſend the Burgeſſes to the Parliament, and thereupon for want of an Anſwer, the ſaid Priviledges of ſending Burgeſſes was ſeiſed by the ſaid Court, which proceedings were altogether *Coram non Judice*, and contrary to the Laws and Priviledges of the Houſe of Parliament (and if way ſhould be given thereunto) would tend to the Subverſion of Parliaments, and by conſequence to the ruine and deſtruction of the Common-wealth.

‘And that the Houſe of Commons hath hitherto, in this preſent Parliament, been deprived of the Advice and Counſel of many profitable and good Members by means thereof.

14. ‘ By the powerfulneſs of ſome Miniſters of State in this Kingdom, the Parliament in its Members, and Actions, hath not his natural Freedom.

15. ‘ And laſtly, That the Gentry, and Merchants, and other His Majeſty's Subjects of this Kingdom, are of late by the Grievances, and Preſſures beforeſaid, and other the like brought very near to Ruine, and Deſtruction: And Farmers of Cuſtoms, Cuſtomers, Waiters, Searchers, Clerks of unwarrantable proceedings, Purſivants, and Goalers, and ſundry others, very much enriched, whereby, and by the ſlow Redreſs of the Petitioners, His Majeſties moſt Faithful and Dutiful People of this Kingdom, do conceive great fears, that their readineſs approved upon all occaſions, hath not been of late preſented to his Sacred Majeſty: For remedy whereof the ſaid Petitioners do humbly and of right beſeech your Lordſhip, that the ſaid Grievances and Preſſures may be ſpeedily redreſſed, and if your Lordſhip ſhall not think fit to afford preſent relief, that your Lordſhip might admit a ſelect Committee of this Houſe of Perſons unintereſſed in the benefit ariſing of the aforeſaid Grievances to be licenſed by your Lordſhip, to repair to his Sacred Majeſty in *England*, for to purſue the ſame, and to obtain fitting remedy for their aforeſaid and other juſt Grievances and Oppreſſions, and upon all juſt and honourable occaſions, they will without reſpect of particular intereſt or profit to be raiſed thereby, moſt humbly and readily in Parliament extend their uttermoſt endeavour to ſerve His Majeſty, and comply with his Royal and Princely occaſions, And ſhall pray, &c.

Lord Deputy *Wendesford* dies.

L. *Dillon*, and Sir *William Parſons* made Lords Juſtices.

Not long after the Lord Deputy *Wendesford* died, *viz.* the Third of *December* following; whereupon *Robert* Lord *Dillon* of *Kilkenny-weſt*, and Sir *William Parſons* Knight and Baronet, Maſter of the Court of Wards, were Conſtituted Lords Juſtices of *Ireland*, and were accordingly Sworn the 30*th* of *December* 1640. But the Lord *Dillon*, whoſe Son had married the Earl of *Strafford*'s Siſter, and who being a Perſon of great Parts and Abilities, and paſſionately devoted to the Earl's Intereſts, both by Alliance and Inclination, was no way grateful to the Faction; it was not long therefore before the King, who in all things endeavoured to ſweeten them, by gratifying them in whatever they deſired, was prevailed with, at the Importunities of the *Iriſh* Committees then at the Court, to diſplace the Lord *Dillon*, and appoint the aforeſaid Sir *William Parſons*, and Sir *John Borlaſe*, to be Lords Juſtices of the Kingdom of *Ireland*.

L. *Dillon* diſplaced, and Sir *John Borlaſe* ſubſtituted in his room.

Theſe Gentlemen by His Majeſties Command applied themſelves to give ſuch ſatisfaction to His Majeſties Subjects of *Ireland*, as in reaſon they could deſire, and among other things His Majeſty was pleaſed to reduce the Subſidies from 40000 *l.* a Subſidy to 12000 a piece, and all things ſeemed to be in a moſt quiet and peaceable Poſture and Condition of Settlement.

But yet even then, which ſeems much to confirm the Lord *Macguire*'s Confeſſion, this Rebellion was upon the Anvil, for about the latter end of the year 1640, the King received ſome advertiſements of a Deſign then on Foot, to raiſe ſome Commotions in *Ireland*; whereupon the King, whoſe care for the Security of his Kingdom and Proteſtant Subjects of *Ireland* was always awake, cauſed Sir *Henry Vane*, his Principal Secretary of Eſtate, to advertiſe the Lords Juſtices, *Parſons* and *Borlaſe*, of it, and to Command them to take care therein. The Letter which I find in Dr. *Borlaſe*'s Hiſtory, was delivered to the Lord *Parſons*, and found after his Death in his Study by Sir *James Barry*, Lord Baron of *Santry*, and preſented to His preſent Majeſty, and was in theſe Terms.

Sir H. *Vane*'s Letter to the Lords Juſtices concerning ſome Informations of danger in *Ireland.*

Right Honourable,

HIS Majeſty hath Commanded me to acquaint your Lordſhips with an Advice given him from abroad, and confirm'd by his Miniſters in Spain *and elſewhere, which in this Diſtemper'd Time, and Conjuncture of Affairs, deſerves to be ſeriouſly conſider'd, and an eſpecial care and watchfulneſs to be had therein: which is, That of late there have paſſed from* Spain *(and the like may well have been from other Parts) an unſpeakable number of* Iriſh *Church-men for* England *and* Ireland, *and ſome good old Soldiers under pretext of asking leave to raiſe Men for the King of* Spain; *whereas it is obſerved, among the* Iriſh *Friars there, a whiſper runs, as if they expected a Rebellion in* Ireland, *and particularly in* Connaught. *Wherefore His Majeſty thought fit to give your Lordſhips this notice, that in your Wiſdoms, you might manage the ſame with that Dexterity and Secreſie, as to Diſcover and Prevent ſo pernicious a Deſign, if any ſuch there ſhould be, and to have a watchful Eye on the Proceedings and Actions of thoſe who come thither from abroad, on what pretext ſoever, and ſo herewith I reſt,*

Your Lordſhips moſt Humble
Servant,

White-Hall, *March*
the 16*th* 1640.

Henry Vane.

The preſervation of this Letter appears very uncommon, and looks as if Providence intereſſed in the Vindication of Oppreſſed Innocence, had reſerved it to clear the Illuſtrious Memory of the Royal Martyr, from the Barbarous Calumny, which the wickedeſt of Mankind indeavoured to fix upon him, as being conſcious of, and favouring this Execrable Rebellion in *Ireland*. Whereas this makes it evident beyond the poſſibility of contradiction, that His Majeſty took all the care imaginable to ſuppreſs the very firſt beginnings, and motions towards an Inſurrection.

And from hence one may alſo very probably conjecture at the reaſon why his Majeſty was ſo willing to comply with the Deſire of the *Spaniſh* Ambaſſador, to Tranſport ſuch a Number of the *Iriſh* for the Service of the King his Maſter; and poſſibly this very information might be the great inducement which moved his Majeſty to conſent to their Tranſportation; for rationally ſpeaking, had theſe Levies gone forward, and the Military men of that Nation been ſent abroad into the Service of Foreign Princes, there could have been no Rebellion, or at leaſt nothing ſo formidable as it proved; and that which ſeems to confirm the Conjecture, is, That the Roman Catholick Members of the Houſe of Commons in *Ireland*, who were acquainted with the Conſpiracy, did with all the Artifice and Induſtry imaginable, as well as the *Engliſh* Parliament, indeavour to obſtruct the Tranſportation of the diſbanded and diſcontented Souldiers, among other Specious and Colourable Arguments,

Novem. 1641.

* *Vide* Dr. *Borlaſe's* Hiſtory, p. 8.

* inſinuating, *That the* Spaniards *having long born ill-will to* England, *they did not know, how ſoon thoſe very Regiments (acquainted with every Creek of the Kingdom) might be returned on their own Bowels, having naturally a love to their Religion, which ſuch an Incendiary as the King of* Spain, *might ſoon inflame to the higheſt prejudice.*

But however, this Intimation given to the Lords Juſtices by Secretary *Vane's* Letter, doth abundantly clear his Majeſty from the leaſt degree of Suſpition, of contriving, fomenting, or conniving at this *Iriſh* Rebellion, ſo it will fix a blemiſh either upon the Integrity or Abilities of Sir *William Parſons* at leaſt, after having ſo fair Warning given, that he ſhould never be able to penetrate into the Plot of the *Iriſh*; which ſure, a Chief Governor of *Ireland* could not want Means and Inſtruments to do, till it was ſo ripe for Execution, as to be impoſſible to prevent it; and which is worſe, to be in no tolerable poſture of Proviſion to Suppreſs and Extinguiſh it upon the firſt Eruption.

Saluſt. in *Conjur. Catal.*

Nor did the Conſpirators in *Ireland* fail to Uſe the ſame Arts and Methods which thoſe of *Scotland* and *England*, and indeed all Conſpirators are wont to make Uſe of, to raiſe up Fears and Animoſities, Jealouſies and pretended Grievances to unhinge the People from their Allegiance, by complaining of the Mal-Adminiſtration of the Government and Publick Affairs; This the Hiſtorian tells us was one of the Maſter-Pieces of *Cataline* and his Aſſociates, *illis quieta movere magna merces videbatur.* And thus did the *Iriſh* Conſpirators, for at the meeting of the Parliament, the great buſineſs was complaints of Grievances, and Impeachments of High Treaſon againſt the Prime Miniſters of State; Sir *Richard Bolton* Lord Chancellor of *Ireland*, and others were Impeached of High Treaſon, and the Biſhop of *Derry*, though contrary to all preſidents of that Nature, as was certified by the Lords Juſtices to the principal Secretary, upon Search made by his Majeſties Commands for that purpoſe: but as Sir *John Temple* obſerves, they had a deſign to draw the Government wholly into the hands of Natives, thereby to facilitate the intended Alteration of the Conſtitution. And upon this occaſion the Popular Men diſplayed their Talents in aggravating Speeches, to make things little in themſelves, ſwell and appear bulky and grievous.

Upon the Impeachment of Sir *Richard Bolton*, &c. Mr. *Audley Mervin* made this following Speech.

My Lords,

Mr. *Audley Mervin's* Speech at the Exhibiting the Articles of High Treaſon againſt Sir *Richard Bolton*, &c. *March* 4. 1640.

I Am commanded by the Knights, Citizens and Burgeſſes, of the Commons Houſe, to preſent unto you *Ireland's* Tragedy, the Gray-Headed Common Laws Funeral, and the Active Statutes Death and Obſequies; This dejected Spectacle Anſwers but the prefiguring Type of *Cæſar's* Murther, wounded to the Death in the Senate, and by *Brutus* his Boſom Friend, our *Cæſar's* Image by Reflection, even the Fundamental Laws and Statutes of this Kingdom, the ſole Means by which our Eſtates are confirmed, our Liberties preſerved, our Lives ſecured, are Wounded to Death in the Senate, I mean in the Courts of Juſtice, and by *Brutus* too, even by thoſe Perſons that have received their Beings and Subſiſtance from them, ſo that here enters thoſe inſeperable firſt Twins, Treaſons, and Ingratitud[illegible]

In a plain Phraſe (My Lords) I tender unto you Treaſon, High Treaſon; ſuch a Treaſon, that wants nothing but Words to expreſs it.

To Counterfeit the King's Seal, to Counterfeit the King's Money it is Treaſon; but this dies with the individual Party.

To betray a Fort is Treaſon, but it dies with a few Men.

To betray an Army is a Treaſon, but it dies with a Limited Number, which may be reinforced again by Politick Induſtry.

To blow up both Houſes of Parliament is Treaſon, but ſucceeding Ages, may replant Branches by a fruitful Poſterity; but this High Treaſon which I do now in the Name of the Houſes of Commons, charge and impeach Sir *Richard Boulton* Knight, Lord Chancellor of *Ireland*, and Sir *Gerard Lowther* Knight, Lord Chief Juſtice of the Common-Pleas, *John* Lord Biſhop of *Derry*, Sir *George Ratcliffe* Knight; is in its Nature ſo far tranſcending any of the former, that the reſt ſeem to be but petty Larcenies in reſpect of this.

What is it to Subvert the Fundamental Laws of this Kingdom, (High Treaſon?)

What is it with a contumacious Malice, to Trample under Feet, the rich Legacies of our Fore-Fathers, purchaſed with Sweat and Expence, I mean the Statute Laws, what is it but High Treaſon?

What is it through an Innate Antipathy to the Publick Good, to Incarcerate the Liberty of the Subject, under the Iron and Weighty Chains of an Arbitrary Government (High Treaſon?) What is it (ſince his Majeſty the moſt amiable and delightful Portraiture of Flouriſhing and Indulgent Juſtice to his Subjects) to preſent him Perſonated in their Extrajudicial Cenſures and Judgments; but to poſſeſs (if poſſible) the Hearts of his Loyal Subjects of this Kingdom: That he is a Bloody and Devouring Tyrant, and to provoke their never Dying Allegiance, into a Fatal and Deſperate Rebellion?

What is it to Violate the Sacred Grants, of many of his Majeſties Progenitors, Kings and Queens of *England* Confirmed under the Broad Seal, being the Publick Faith of this Kingdom, by an Extrajudicial Breath grounded upon no Record?

What is it to Inſert a Surreptitious Clauſe, forged by ſome Servile Brain in the Preamble of our laſt Act of Subſidies, by which the King's Moſt Excellent Majeſty, and the Earl of *Strafford* are placed in one and the ſame Sphear, allowing them but equal Influences, to nouriſh the Allegiance of this Kingdom, what is this, but to extol other then Regal Authority, and to Crucify the Majeſty of our Moſt Gracious Soveraign, betwixt the two Thieves of Government, Tyranny and Treaſon?

My Lords, having ſuch a full and laſting Gale to drive me into the Depth of theſe Accuſations, I cannot hereby Steer and Confine my Courſe within the Compaſs of Patience, ſince I read in the firſt Volums of their Brows, the leaſt of theſe to be the certain Ruine of the Subject, and if prov'd, a moſt favourable Prologue to uſher in the Tragedy of the Actors, Counſellors and Abetters herein.

What was then the firſt and main Queſtion? it was the Subverſion of the Fundamental Laws of this Kingdom. Let then *Magna Charta* that lies Proſtrated, Beſmeared and Grovelling in her own Gore, diſcount her Wounds as ſo many Pregnant and Undeniable Proofs, mark the Epethite *Magna* κατ' ἐξοχὴν confirmed by thirty Parliaments in the Succeſſion of eight Kings, the Violation of which hath ſeveral times ingaged the Kingdom of *England* in a Voluntary Sacrifice: a Charter which impoſeth that Pleaſant and Wel-becoming Oath upon all Soveraignty, to vindicate and preſerve the Immunity thereof; before the Crown incircle their Royal Temples in this Oath of ſo high conſequence and general Intereſt, his Majeſty doth in a manner levie a fine to his Subjects uſe for avoiding all fraudulent conveyances in the Adminiſtration of Juſtice. And this Oath is tranſplanted unto the Judges as the Feoffees in truſt, appointed between his Majeſty and the Subject, and ſealed by his Majeſties provident care with that emphatical penalty, that their Eſtates and Lives ſhall be in the Kings mercy upon the Violation of the ſame, either in whole or in part, neither hath the deſerved puniſhment for the breach of this Oath enacted as *fulgura ex vitrio*, or as bugbears to inforce the obedience of Children; no, my Lords, the juſt execution of it upon their Predeceſſors though in breaches not ſo capital, might have warned them to have ſtrangled their ill born reſolutions in the Cradle, before they now proclaim their infancie and petition for their puniſhment. Witneſs Sir *Thomas Weyland* his baniſhment, confiſcation

of

Novemb. 1641.

of his Goods and Lands only for his mercenary Juſtice contrary to his Oath, who was Chief Juſtice of the *Common Pleas* in the time of *Edward* the firſt. Witneſs Sir *William Thorp*, Chief Juſtice of the *Kings Bench*, in the time of *Edward* the Third, who was adjudged to be hanged, becauſe he had broken the Kings Oath made unto the People wherewith he was intruſted in the Roll.

Now, my Lords, though *Magna Charta* be ſacred for antiquity, though its confirmation be ſtrengthned by Oath, though it be the proper Dictionary that expounds *meum & tuum*, and aſſignes a Subject his Birth-right; yet it only ſurvives in the Rolls, but now miſerable rent and torn in the practice.

Theſe words *Salvo contenemento*, live in the Rolls, but they are dead in the Caſtle Chamber.

Theſe words, *Nullus liber homo ejicitur è libero ſuo tenemento, in prejudicium parium*, live in the Rolls, but they are dead where property and free-hold are determined by paper-Petitions.

Theſe words, *Nulli vendemus, nulli differemus Juſtitiam*, live in the Rolls, but they are dead when the Suites, Judgments, and Execution of the Subjects are wittingly and illegally ſuſpended, retarded and avoided.

Shall we deſire to ſearch the mortal wounds inflicted upon the Statute Laws, who ſees them not lying upon their death Bed ſtab'd with Proclamations, their primitive and genuine tenures eſcheated by Acts of State, and ſtrangled by *Monopolies*.

Will you ſurvey the Liberties of the Subjects, every Priſon ſpues out illegal Attachments and Commitments, every Pillory is dyed with the forced Blood of the Subjects, and hath ears, though not to hear, yet to Witneſs this complaint.

Do you doubt of the defacement of the amiable Offices of his Majeſties moſt tranſplendent and renowned Juſtice, and Grace? let then that *Microcoſme* of Letters Patents confirmed under his Majeſties and his Predeceſſors broad Seal of the Kingdom, being the publick faith thereof, and yet unchriſtened by frivolous and private opinions, riſe up in Judgment; let the abortive Judgment of the tenure *in Capite*, where no tenure was expreſt, nay let the Heretical and Traiterous opinions where the Tenure was expreſt, yet to draw in all by Markets and Faires granted in the ſame Patents riſe up in Judgments. What glaſs hath this unhappy divided Kingdom from his Majeſties preſence and audience, to contemplate the fair and raviſhing form of his Royal intentions in, but in the clear and diaphanous adminiſtration of his Juſtice? and what do theſe Trayterous and Illegal practiſes aim at but in affront to his Majeſty (which we moſt tenderly reſent) and diſcontent to his Subjects, to multiply as by a Magick Glaſs, the Royal diſpenſation of his Favors, into the ugly and deformed Viſage of their Suppreſſion of the Liberties, Devaſtation of the Eſtates, and the Deprivation of the Lives of his Loyal Subjects? ſo that it may be ſaid;

Regali Capiti cervicem conſul equinam,
Jungere ſic vellet variaſque inducere plumas.

My Lords, theſe ought to be conſidered with as ſerious an Ear, as they were practiſed by miſchievous Experiments.

Inquire of the *Netherlands*, why their Fields are grown Fertile, by the Inundation of Blood, why the penſive Matrons ſolemnize too too frequent Funerals of their Husbands and Iſſue, and they will Anſwer you, it was for the Preſervation of their Hereditary Laws, which Tyranny would have innovated.

This Kingdom perſonated in the ſable Habit of a Widdow, with diſhelved Hairs ſeems to Petition your Lordſhips, That ſince ſhe is a Mother to moſt of us, yet certainly a Nurſe unto us all, that you would make ſome other for Redreſs of her Tyrannical Oppreſſion.

Theſe Perſons Impeached, reſemble the *opacous* Body of the Earth, interpoſed to Ecclipſe that Light and Vigor, which the *ſolar* Aſpect of Majeſty would communicate unto his Subjects.

They Imitate the Fiſh *Sepia*, that vomits a Dark Liquor out of her Mouth, to cloud the Waters for her ſecurer Eſcape.

They are thoſe whom to the Keys have been committed, yet they have barred the Do orto them that Knoc't.

Novem.
1641.

They are thoſe Unnatural Parents, that give their Children Stones, inſtead of Bread, and Scorpions for Fiſh. Was it for this purpoſe that the Royal Authority ſituated them in theſe Eminent Places, that like Beacons upon high Hills, they ſhould Diſcover and Proclaim each Innovation and Stratagem againſt the Publick Weal; whileſt they in the mean time imploy therein Fire to Publick Incendiary, or like *Ignes fatui*, ſeduce the eaſie and believing Traveller into Pits, and unexpected Myres?

Were they ſworn to Seal their Damnation, and not their Confirmation of our Liberty, Eſtates and Lives? Shall a man be cenſured for Perjury, in that Breach of his private Faith, and thoſe be juſtifiable in Treaſon, aggravated by Perjury againſt the Dignity of the Crowns, and Publick Faith of the Kingdoms? No my Lords, the Grave, Judicious and Mature Examination, and deſerved Puniſhment of theſe Traiterous Proceedings, will ſpeak theſe times as glorious to Poſterity in their Information, as they are now Lamented in their Perſecution.

The Blood-Thirſting Sword of an Hoſtile Enemy, by a timely Union, and a defenſive Preparation may be prevented.

The thin-rib'd Carcaſs of an univerſal Famine, may have his Conſumption reſtored by a ſupply from our Neighbouring Nations.

The quick ſpreading Venom of Infectious Peſtilence may be prevented by Antidotes, and qualified by Phyſical Remedies. But this Catholick Grievance, like a Snake in the moſt verdant Walks, (for ſuch are the unblemiſhed Laws truly practiſed) ſtings us to Death, when we are moſt ſecure; and like the King's-Evil, can only be cured by his Majeſties free and gracious Permiſſion of our Modeſt and Gentle Proceedings, for his Vindication and our Preſervation therein concluded.

Spencer and *Gaveſton* who have left their Names monumentally Odious, for the Evil Counſel they fed the King's Ear with, yet did poſſibly Advantage their own Friends, while theſe dart their Envy and Treaſon for a common Center, equally touching the Bounds of every Superficies: for as concerning the valid Eſtates they have Illegally overthrown, when the Laws by your Lordſhips Induſtry, receive their Native Vigor, they will re-aſſume their Confirmation: but the Eſtates happily in themſelves Legal, that they have in an extrajudicial Form eſtabliſhed, will haſte as ſpeedily to their Diſſolution, ſo that *Judas*-like, they betray their beſt Friends with a Kiſs.

My Lords, I cannot find any ſurviving *Chronology* of times, this Seaſon to be paralell'd with allCircumſtances, which makes me view the Records amongſt the Infernal Spirits to find, if match't there, I might extenuate their Facts: where firſt they appear like the Falſe Spirit, ſent into the Mouth of the Prophet to *Ahab*, to ſpeak Deluſions to ſubvert the Hoſt of God.

The moſt Vehement and Traiterous encounter of Sathan, is lively deciphered in the true example of *Job:* where firſt, I obſerve the Diſmology, he overthrows not *Job's Magna Charta*, he diſſeizes him not of his Inheritance, nor diſpoſſes him of his Leaſes; but only diſrobes him of ſome part of his Perſonal Eſtate: when he proceeds to infringe *Job's* Liberty, he doth not Pillory him, nor cut off his Ears, nor bore him through the Tongue; he only Spots him with ſome Ulcers; here Sathan ſtaies, when theſe Perſons by their Traiterous Combinations, Envy the very Blood that runs unſpilt in our Veins; and by obtruding bloody Acts, damn'd in the laſt Parliament, will give Sathan *ſize ace*, and the Dice at *Iriſh*, in inthralling the Lives of the Subjects, by their Arbitrary Judicature.

I would not, My Lords, be underſtood to impute to the Judges, an infallibility of Error: *nor in Impeaching theſe, to traduce thoſe, whoſe Candor and Integrity, ſhine with more admired Luſtre, then their white Furrs*, who like Trophies of Virgin-Juſtice, ſtood fixed and unmov'd in the *rapid Torrent of the Times*, while theſe like Straws and Chips plai'd in the Streams, until they are devolved in the Ocean of their deſerved Ruine.

No, My Lords, *humanum eſt errare*, and the Law allows *Writs of Error*, and Arreſt of Judgment: but where there is *craſſa ignorantia* againſt their Oath, againſt the Fundamental, Elementary, and known Laws of the Kingdom: Nay (My Lords where it is rather *Præmeditata Malitia*, where there is an emulating

Novemb. 1641.

Policy, who ſhould raze and embeſel the Records in the Pratick, that are for the Tender preſervation of our Liberties, Eſtates and Lives, ſeeking only to be glorious in a National Deſtruction, as if their Safety were only involved in our Ruine, there I have command to Pitty, but not excuſe them.

To kill a Judg, *Quatenus* a Judg, is not Treaſon, but to kill a Judg ſitting in the Place of Judicature, is Treaſon; not for that the Law intends it out of any Malice againſt the Party, but for the Malice againſt the Law: where then can an Intenſive, or an extenſive Malice be expreſt or implyed againſt the Law, then the Practical Dialect of theſe Perſons impeach't, ſpeaks with a known and crying Accent.

The *Benjamites* ſlang Stones with their left Hands, yet they would not miſs a Hairs breadth; theſe extrajudicial Proceedings are ſlung with the left, I mean they are Siniſtrious, and imprint their black and blew Marks, more certain, and more fatal; for that they may ſay, *Quæ regio in terris noſtri non plena laboris?* Though theſe things be familiar unto us, yet I cannot but admire how this unproportionable Body of Judicature, ſhould ſwell up into ſuch a vaſt and ulcerous Dimenſion; but why ſhould I, conſidering this excentrick Motion of the Body of the Law, had his Birth obſcure, reſembling the Tares, that were ſowed in the Night time? but here is the difference; they were ſown by the Enemy in the abſence of the Maſter: *But theſe are Sown by the Grand-Maſters themſelves, purpoſely to over-top and choak the expected Harveſt.*

Innovations in Law, and conſequently in Government, creep in like Hereſies in Religion, ſlyly and ſlowly, pleading in the end a Sawcy and Uſurp't Legitimacy, by uncontroul'd Preſcription.

My Lords, this is the firſt ſitting, and I have only chalked out this deformed Body of High Treaſon: I have not drawn it at length, leſt it might fright you from the further view thereof: in Concluſion, it is the humble deſire of the Commons, That the Parties Impeached, may be ſecured in their Perſons, Sequeſtred from this Houſe, from the Counſel-Table, and all Places of Judicature, as being *Civiliter Mortui*; that they may put in their Anſwers to the Articles, ready now to be exhibited againſt them: and that all ſuch further Proceedings may be ſecretly expedited, as may be Suitable to Juſtice, and the Precedents of Parliaments, ſo his Majeſty may appear in his Triumphant Goodneſs and Indulgency to his People: and his People may be Raviſht in their dutiful and Cheerful Obedience and Loyalty to his Majeſty: your Lordſhips may live in Records to Poſterity, as the inſtrumental Reformers of thoſe corrupted Times, and that the Kingdom and Common-Wealth may pay an amiable Sacrifice in *Retribution*, and acknowledgment of his Majeſties multiplied Providence for our Preſervation herein.

The Articles of High Treaſon againſt Sir *Richard Bolton*, &c.

Articles of the Knights, Citizens and Burgeſſes in the Parliament Aſſembled, againſt Sir Richard Bolton *Knight, Lord Chancellor of* Ireland, John *Lord Biſhop of* Dery, *and Sir* Gerard Lowther *Knight, Lord Chief Juſtice of his Majeſties Court of* Common-Pleas, *and Sir* George Radcliffe *Knight, in maintenance of the Accuſation, whereby they, and every of them, ſtand Charged with High-Treaſon.*

FIrſt, That they the ſaid Sir *Richard Bolton* Knight, Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Knight, Lord Chief Juſtice of his Majeſties Court of *Common-Pleas*, and Sir *George Radcliffe* Knight, intending the Deſtruction of the Common-Wealth of this Realm, have Traiterouſly Confederated and Conſpired together, to Subvert the Fundamental Laws and Government of this Kingdom, and in Purſuance thereof, they and every of them, have Traiterouſly Contrived, Introduced, and Exerciſed an Arbitrary and Tyrannical Government againſt Law, thorowout this Kingdom, by the Countenance and Aſſiſtance of *Thomas* Earl of *Strafford*, then Chief Governor of this Kingdom.

II.

That they and every of them, the ſaid Sir *Richard Bolton* Knight, Lord

Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Knight, Lord Chief Juſtice of the *Common-Pleas*, and Sir *George Radcliffe* Knight, have Traiterouſly aſſumed to themſelves, and every one of them, regal Power over the Goods, Perſons, Lands and Liberties of his Majeſties Subjects in this Realm; and likewiſe have Maliciouſly, Perfidiouſly and Traiterouſly Given, Declared, Pronounced and Publiſhed, many Falſe, Unjuſt and Erroneous Opinions, Judgments, Sentences and Decrees, in Extrajudicial manner againſt Law, and have *Perpetrated, Practiſed and Done, many other Traiterous and unlawful Acts and Things, whereby as well divers Mutinies, Seditions and Rebellions have been raiſed, as alſo many Thouſands of his Majeſties Liege People of this Kingdom, have been Ruined in their Goods, Lands, Liberties and Lives, and many of them being of good Quality and Reputation, have been utterly defamed by Pillory, Mutilation of Members, and other infamous Puniſhments:* By means whereof his Majeſty and the Kingdom, have been deprived of their Service in Juries, and other Publick Imployments, and the general Trade and Traffick of this Iſland, for the moſt part deſtroyed, and his Majeſty highly Damnified, in his Cuſtoms and other Revenues.

III.

That they the ſaid Sir *Richard Bolton*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Knight, and Sir *George Radcliffe*, and every of them, the better to preſerve themſelves, and the ſaid Earl of *Strafford*, in theſe and other Traiterous Courſes, have laboured to Subvert the Rights of Parliament, and the ancient Courſe of Parliamentary Proceedings: all which Offences were contrived, Committed, Perpetrated, and done at ſuch time, as the ſaid Sir *Richard Bolton*, Sir *Gerard Lowther* and Sir *George Radcliffe* Knights, were privy Counſellors of State within this Kingdom, and againſt their and every of their Oaths of the ſame, at ſuch times as the ſaid Sir *R. Bolton* Knight, was Lord Chancellor of *Ireland*, Chief Baron of his Majeſties Court of Exchequer, within this Kingdom, and Sir *Gerard Lowther* Knight, was Lord Chief Juſtice of the ſaid Court of Common-Pleas, and againſt their Oaths of the ſame, and at ſuch time as the ſaid *John* Lord Biſhop of *Derry*, was actual Biſhop of *Derry*, within this Kingdom, and were done and ſpeciated contrary to their, and every of their Allegiance, ſeveral and reſpective Oaths taken in that behalf.

IV.

For which the ſaid Knights, Citizens and Burgeſſes, do Impeach the ſaid Sir *Richard Bolton*, Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Knight, Lord Chief Juſtice of his Majeſties ſaid Court of Common-Pleas, and Sir *George Radcliffe* Knight aforeſaid, and every of them of High-Treaſon, againſt our Soveraign Lord the King, his Crown and Dignity.

The ſaid Knights, Citizens and Burgeſſes, by Proteſtation, ſaving to themſelves, the Liberty of exhibiting at any time hereafter, any Accuſation or Impeachment againſt the ſaid Sir *Richard Bolton*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther*, and Sir *George Radcliffe* aforeſaid, and every of them, and alſo of replying to them, and every of their Anſwers, which they and every of them, ſhall make to the ſaid Articles, or any of them, and of offering Proof alſo of the Premiſſes, or of any other Impeachment, or Accuſation, as ſhall be by them Exhibited; as the Caſe ſhall according to the Courſe of Parliament require.

And the ſaid Knights, Citizens and Burgeſſes do pray, that the ſaid Sir *Richard Bolton* Knight, Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Knight, Lord Chief Juſtice of his Majeſties ſaid Court of Common-Pleas, and Sir *George Radcliffe* Knight, and every of them, be put to Anſwer to all and every of the Premiſſes, and that all ſuch Proceedings, Examinations, Tryal and Judgment, may be upon them and every of them, had and uſed, as is agreeable to Law and Juſtice.

Copia vera.

Signed,

PHILIP PHERNESLY,
Cler. Parliamenti.

Novemb. 1641.

Thus did theſe Popular Reforming Proteſtants, help to unhinge the Government, and not only helped forward the Deſigns of the *Iriſh*, if Sir *John Temple*'s obſervation before mentioned be true, of their endeavours to puſh out the preſent Miniſters, and to get into their places, but they gave great Countenance, eſpecially to the Vulgar, and colourable pretences to the Enſuing Rebellion; when even the Proteſtants of the Parliament of *Ireland*, as well as the Parliament of *England*, by their ſevere Procedure againſt the Earl of *Strafford*, for miſgovernment and Oppreſſions done in *Ireland*, by impeaching of theſe Perſons, and by their repeated loud Complaints of Grievances, Wrongs and Injuſtice, publickly defamed his Majeſties Government, and proclaimed to the whole World, That thoſe Miſeries, which the *Iriſh* ſuffered, under thoſe their Governors, and for the Redreſs of which, they pretended to take up Arms, were ſo great, real and intolerable, that both the Parliaments of *England* and *Ireland*, were ſo deeply ſenſible of them, as to acknowledg, and thus bitterly inveigh againſt them.

Nor were the active men of the Commons Houſe there leſs buſie, but the Lawyers, *Darcy*, *Martin*, *Plunket*, *Cuſack*, *Brown*, *Linch*, *Bodkin*, *Evers* and others, took upon them with much confidence to declare the Law, and to frame ſeveral *Queries*, which being propoſed to the Judges, and their Modeſt Anſwers not being ſatisfactory, they gave out Reſolutions of their own upon them, ſuch as might ſerve their Intereſt and Deſigns, rather then comport with the Honor, Duty, and Allegiance which they owed to their Soveraign. The *Queries*, together with the Judges Anſwers to them, as alſo their own Reſolutions, which were tranſmitted hither, I find in the Paper-Office as followeth.

Queſtions wherein the Houſe of Commons humbly deſires that the Houſe of the Lords would be pleaſed to require the Judges to deliver their Reſolutions.

Queries propounded by the Parliament of *Ireland*, to the Judges of that Kingdom.

‘IN as much as the Subjects of this Kingdom are Free, Loyal, and Dutiful Subjects to his moſt Excellent Majeſty, their Natural Liege-Lord and King, and to be governed only by the Common Lawes of *England*, and Statutes of Force in this Kingdom, in the ſame manner and form as his Majeſties Subjects of the Kingdom of *England* are, and ought to be Governed by the ſaid Common-Laws, and Statutes of Force in that Kingdom, which of Right the Subjects of this Kingdom do Challenge and make their Proteſtation, to be their Birth-right and beſt Inheritance; Yet in as much as the unlawful Actions and Proceedings of ſome of his Majeſties Officers, and Miniſters of Juſtice of late years introduced and practiſed in this Kingdom, did tend to the infringing and violation of the Laws, Liberties, and Freedom of the ſaid Subjects of this Kingdom, contrary to his Majeſties Royal and Pious Intentions; Therefore the Knights, Citizens, and Burgeſſes in Parliament Aſſembled, (not for any Doubt, or Ambiguity, which may be conceived or thought of, for or concerning the Premiſſes, nor of the enſuing Queſtions,) But for the manifeſtation and declaration of the Clear Truth, and of the ſaid Laws and Statutes already planted, and for many Ages paſt ſettled in this Kingdom, the ſaid Knights, Citizens, and Burgeſſes, do therefore pray, That the Houſe of the Lords may be pleaſed to Command the Judges of this Kingdom forthwith to

Novem.
1641.

‘ declare in Writing their Reſolutions of and unto the enſuing *Queſtions*, ‘ and ſubſcribe to the ſame.

Queſt. 1. W*Hether the Subjects of this Kingdom be a Free People, and to be Governed only by the Common Laws of* England, *and Statutes of Force in this Kingdom?*

2. *Whether the Judges of this Land do take the Oath of Judges? And if ſo, Whether under pretext of any Act of State, Proclamation, Writ, Letter or Direction, under the Great, or Privy Seal, or Privy Signet, or Letter, or other Commandment from the Lord Lieutenant, Lord Deputy, Juſtice, Juſtices, or other Governor, or Governors of this Kingdom, they may hinder, ſtay or delay the Suit of any Subject, or his Judgment, or Execution thereupon. If ſo, in what Caſes? And whether if they do hinder, ſtay, or delay ſuch Suit, Judgment or Execution thereupon, what Puniſhment did they incur for their deviation, or tranſgreſſion therein?*

3. *Whether the Kings Majeſties Privy Council either with the Chief Governor or Governors of this Kingdom, or without him or them, be a Place of Judicature by the Common Laws, and wherein Cauſes between Party and Party, for Debts, Treſpaſſes, Accompts, Poſſeſſions, or Title of Lands, or any of them; And which of them may be heard, and determined, and of what Civil Cauſes they have Juriſdiction, and by what Law; And of what Force is their Order, or Decree in ſuch Caſes, or any of them?*

4. *The Like of the Chief Governor alone.*

5. *Whether Grants of Monopolies be warranted by the Law, and of what, and in what Caſes, and how and where, and by whom are the pretended Tranſgreſſors againſt ſuch Grants puniſhable; and whether by Fine, Mutilation of Members, Impriſonment, Loſs, and Forfeiture of Goods, or otherwiſe, and which of them?*

6. *In what Caſes the Lord Lieutenant, Lord Deputy, or other Chief Governor, or Governors of this Kingdom and Council, may puniſh by Fine, Impriſonment, Mutilation of Members, Pillory, or otherwiſe; And whether they may Sentence any to ſuch the ſame, or the like puniſhment, for infringing the Commands of or concerning any Proclamation of and concerning Monopolies, and what puniſhment do they incur that Vote for them?*

7. *Of what Force is an Act of State, or Proclamation in this Kingdom to bind the Liberties, Goods, Poſſeſſions, or Inheritance of the Natives thereof; whether, or any of them can alter the Common Law, or the Infringers of them looſe their Goods, Chattels or Leaſes, or forfeit the ſame by Infringing any ſuch Act of State, or Proclamation, or both; And what puniſhment do the ſworn Judges of the Law that are Privy Councellors incur, that Vote for ſuch Act, and Execution thereof?*

8. *Are the Subjects of this Kingdom ſubject to the Martial Law; And whether any man in time of Peace, no Enemy being in the Field with Banners diſplayed, can be Sentenced to death? If ſo, by whom, and in what Caſes? If not, What Puniſhments do they incur, that in time of Peace execute Martial Law?*

Novemb. 1641.

9. *Whether Voluntary Oaths taken freely before Arbitrators for Affirmance, or Diſaffirmance of any thing, or for the true performance of any thing, be puniſhable in the Caſtle-Chamber, or any other Court; and why, and wherefore?*

10. *Why, and by what Law, or by what Rule of Policy is it, that none is admitted to Reducement of Fines or other Penalties, in the Caſtle-Chamber, or Council Table, untill he confeſs the Offence for which he is Cenſured, when as* Revera *he might be innocent thereof, tho ſuborned Proofs, or Circumſtances might induce the Cenſure?*

11. *Whether the Judges of the* Kings-Bench, *or any other Judge of Gaol-Delivery, or of any other Court, and by what Law, do, or can deny Copies of Indictment of Felony, or Treaſon, to the Parties accuſed, contrary to Law?*

12. *What Power have the Barons of the Court of* Exchequer, *to raiſe the Reſpite of Homage arbitrarily to what Rate they pleaſe, to what Value they may raiſe it, by what Law they may diſtinguiſh between the Reſpit of Homage upon the diverſity of the true value of the Fees; when as Eſcuage is the ſame for great and ſmall Fees, and are apportionable by Parliament?*

13. *Whether it be Cenſurable in the Subjects of this Kingdom to repair into* England *to appeal to his Majeſty for Redreſs of Injuries, or other Lawful Occaſions? If ſo, why, and in what Condition of Perſons, and by what Law?*

14. *Whether Deans, or other Dignitaries of Cathedral Churches be properly, and* de Mero jure *Donative, by the King, and not Elective, or Collative? If ſo, Why, and by what Law? And whether the Confirmation of a Dean* de Facto *of the Biſhops Grant be good, or valid in Law, or no? If not, by what Law?*

15. *Whether the iſſuing of* Quo Warranto's *out of the* Kings-Bench, *or* Exchequer, *againſt Boroughs, that antiently, and recently ſent Burgeſſes to the Parliament, to ſhew Cauſe why they ſent Burgeſſes to the Parliament, be Legal? If not, what puniſhment ought to be inflicted upon thoſe that are or have been the Occaſioners, Procurers, and Judges, of and in ſuch* Quo Warranto's?

16. *By what Law are Jurors, that give Verdict according to their Conſcience, and are the ſole Judges of the Fact, Cenſured in the Caſtle-Chamber, in great Fines, and ſometime Pillored, with loſs of Ears, and bored through the Tongue, and marked ſometimes in the Forehead, with an Hot Iron; and other like Infamous Puniſhments?*

17. *By what Law are men Cenſurable in the Caſtle-Chamber, with the Mutilation of Members, or any other Brand of Infamy; and in what Caſes, and what puniſhment in each Caſe there is due, without Reſpect to the quality of the Perſon or Perſons?*

18. *Whether in the Cenſure in the Caſtle-Chamber, Regard be to*

be had to the words of the Great Charter, (*viz.*) Salvo Contenemento? &c.

19. *Whether if one that ſteals a Sheep, or commits any other Felony, and after flyeth the Courſe of Juſtice, or lyeth in Woods or Mountains upon his keeping, be a Traytor? If not, whether a Proclamation can make him ſo?*

20. *Whether the Teſtimony or Evidence of Rebels, Traytors, Protected Thieves, or other infamous Perſons, be good Evidence in Law to be preſſed upon the Tryals of Men for their Lives; or whether the Judge or Jurors ought to be Judge of the matter in Fact?*

21. *By what Law are Fairs and Markets to be held in* Capite, *when no other expreſs Tenure is mentioned in his Majeſties Letters Patents, or Grants of the ſame Fairs and Markets, Altho the Rent or Yearly Sum be reſerved thereout?*

22. *Whether it ſtands with the Integrity of the Judge to take Four ſhillings* per *pound out of all Increaſes unto his Majeſty upon Compoſitions on defective Titles, by avoiding ſuch Patents as the ſame Judge condemns in an Extrajudicial way?*

Copia Vera,

This laſt Queſtion is added by Order of the Lords Houſe.

Ex. per *Phill. Percivall.*

The Anſwer, and Declaration of the Judges unto the Queſtions Tranſmitted from the Honourable Houſe of Commons, unto the Lords Spiritual and Temporal in Parliament Aſſembled; whereto they deſired their Lordſhips to require the ſaid Judges Anſwers in Writing forthwith.

The Judges Anſwer to the *Querits* propounded by the Parliament.

'1. First, The ſaid Judges do in all Humbleneſs deſire to repreſent 'unto your Lordſhips, the great ſenſe of Grief they apprehend 'out of their Fear, that they are fallen from that good Opinion which 'they deſire to retain with your Lordſhips, and the ſaid Houſe of Commons, in that, notwithſtanding their humble Petition, and Reaſons 'to the contrary exhibited in Writing, and declared in this moſt Honourable Houſe, your Lordſhips have Over-ruled, and often Commanded their Anſwers unto the ſaid Queſtions: Although they have 'informed your Lordſhips, and ſtill with aſſurance do aver, That no 'Precedent in any Age can be ſhewn, that any Judges, before them, 'were Required, or Commanded to give Anſwer in Writing, or otherwiſe, unto ſuch general, or ſo many Queſtions in ſuch a manner in 'Parliament or elſewhere, unleſs in that time of King *Rich.* 2. which 'they humbly conceive is not to be drawn into Example: And therefore they yet humbly Supplicate your Lordſhips ſo far to tender their 'Profeſſions, and Places, and their Relation to his Majeſties Service, as 'to take into your ſerious Conſiderations the Reaſons annex'd unto this 'their Anſwers, before their Anſwers be anſwered, or admitted among ‘the Acts of this High Court: And that if your Lordſhips in your Wiſdomes ſhall after think fit to give any Copies of their Anſwers, that for their Juſtification to the Preſent and Succeeding Times, your Lordſhips will be pleaſed to require the Clerk of this moſt Honourable Houſe, That no Copy may be given of the ſaid Anſwers, without the ſaid Reaſons.

2. ‘Secondly, The ſaid Judges humbly deſire your Lordſhips to be pleaſed to be informed, That the words in His Majeſties Writ, by which they are Commanded to attend in Parliament, are, *That the ſaid Judges ſhall be preſent, with the Lord Juſtices, or other Chief Governor:* And your Lordſhips at the ſaid Parliament called, *Pro arduis, & urgentibus Regni negotiis ſuper dictis negotiis tractaturi & Conſilium ſuum impenſuri.* And they deſire your Lordſhips to take into your ſerious Conſiderations; Whether any Advice may be required by your Lordſhips from them, but concerning ſuch particular matters as are in Treaty, and Agitation, and Judicially depending before your Lordſhips, upon which your Lordſhips may give a Judgment, Order or Sentence to be recorded among the Orders and Acts of this Honourable Houſe? And whether they may be Commanded by your Lordſhips to Subſcribe their Hands unto any Opinion or Advice they ſhall give, upon any matter in Debate before your Lordſhips there? And whether your Lordſhips conceive any final Reſolution upon the matters contained in the ſaid Queſtions.

3. ‘Thirdly, Although the ſaid Queſtions are but 22 in number, yet they ſay, That they contain at leaſt Fifty general Queſtions, many of them of ſeveral matters, and of ſeveral natures; within the Reſolution of which moſt of the greateſt Affairs of this Kingdom, both for Church and Common-wealth, for late years may be included. And therefore the ſaid Judges do openly aforehand profeſs, That if any particular that may have Relation to any of thoſe Queſtions, ſhall hereafter come Judicially before them; and that either upon Argument or Debate (which is the Sieve or Fan of Truth) or Diſcovery of any general Inconveniences to King or Common-wealth in Time (which is the Mother of Truth) or by further Search, or Information in any particular they ſhall ſee Cauſe, or receive Satisfaction for it, they will not be Concluded by any Anſwers they now give unto any of thoſe general Queſtions; but they will upon better Ground, and Reaſon with their Predeceſſors the Judges in all Ages, with Holy Fathers, Councils and Parliaments, retract and alter their Opinion according to their Conſcience, and Knowledge, and the Matter, and Circumſtances of the Cauſe, as it ſhall appear in Judgment before them; it being moſt certain, That no general Caſe may be ſo put, but a Circumſtance in the matter or manner may alter a Reſolution concerning the ſame.

4. ‘Fourthly, The ſucceeding Judges, and Age, notwithſtanding any Anſwer given by the now Judges, may be of another Opinion then the now Judges are, without diſparagement to themſelves, or the now Judges, in regard that many particular Circumſtances in many particular Caſes may fall out, that may alter the Reaſon of the Law in ſuch Caſe, which could not be included or foreſeen in a general Queſtion, or Anſwer thereunto: And therefore they deſire your Lordſhips to

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Novem. 1641.

conſider of what uſe ſuch Anſwers may be to the preſent or future Times.

5. ‘Fifthly, Many of the ſaid Quſtions, as they are propounded (as the ſaid Judges humbly conceive) do concern His Majeſty in a high Degree in his Regal and Prerogative Power, in this Government in his Revenue, in the Juriſdictions of his Courts, in his martial Affairs, and in Miniſters of State; ſo that the ſaid Judges, conſidering their Oaths, and the Duty, which by their Places they owe unto His Majeſty, humbly, may not with ſafety give Anſwer thereunto, without ſpecial direction from His Majeſty: And therefore they ſtill humbly pray your Lordſhips, as formerly they did, not to preſs any Anſwers from them, untill His Majeſties Princely pleaſure therein be ſignified.

6. ‘Sixthly, If the matters of thoſe Queſtions which aim at ſome abuſes of former Times, were reduced into Bills, they conceive, it were the ſpeedy way to have ſuch a Reformation, which might bind the preſent Times and Poſterity: And in ſuch proceedings they ought, and would moſt chearfully contribute their Opinions, and beſt endeavours; but in ſuch a courſe as they apprehend it, which points at puniſhment, they have Reaſon to be ſparing in giving any Opinion further then the Duty of their Places doth Command from them.

7. ‘Seventhly, Although it may be conceived that the Anſwering of ſuch, and ſo many general Queſtions by the now Judges, may contribute ſome help to the Reformation now ſo much deſired; yet no Man knoweth, but this new Precedent in propounding ſuch Queſtions to Judge, in ſucceeding Times (as the Judges, and frame and Conſtitution of the Common-wealth may be) may fall out to be moſt prejudicial to the State or Common-wealth.

8. ‘Eighthly, Moſt of the matters of ſeveral of the ſaid Queſtions are already by your Lordſhips, and the ſaid Houſe of Commons Voted, and repreſented unto His Majeſty for Grievances, and therefore no Opinions of the ſaid Judges, under favour, are needful, or to be required thereunto, unleſs the ſame ſhall come in further Agitation, and diſcuſſion in this Honourable Houſe.

9. ‘Laſtly, The Judges Opinions are not uſually call'd upon in Parliament, but when upon Debate, great and difficult Points in Law do ariſe, where this moſt Honourable doth think fit to Command their Opinions; but no Reſolutions do belong unto the ſaid Judges in Parliament, but unto your Lordſhips; yet in the Front and Preamble of the ſaid Queſtions, the Reſolution of the ſaid Queſtions by the Judges is forthwith deſired to be required by your Lordſhips in Writing: Although the firſt Queſtion (*Viz.*) *Whether the Subjects of this Kingdom*, &c. be poſitively reſolved by the Preamble to the ſaid Queſtions, in which it is likewiſe declared, That the ſaid Judges Anſwers thereunto are not deſired *For any Doubt, or Ambiguity, which may be conceived or thought of, for or concerning the Premiſſes, nor of the ſaid Queſtions; but for Manifeſtation and Declaration of a clear Truth, and of the Laws and Statutes already planted and ſetled in this Kingdom*: And they conceive it is impoſſible to make any Manifeſtation or Declaration of Law or Statutes, which may hold, or

‘ be uſeful upon ſuch general Queſtions, as moſt of theſe are, namely, by what Laws, in what Caſes, of what Power, of what Force, How, Where, and Why, by Whom, Wherefore, what puniſhment, by what Rule of Policy, in what Condition of Perſons : In regard that the next ſucceeding Judges may be of another Opinion ; and that a Circumſtance may alter the Reaſon of the Law in many particular Caſes, which the Wit of Man is not able to foreſee, or give a general Rule in : And they ſay, That to give any ſatisfaction to your Lordſhips, or the Honourable Houſe of Commons, would make up a great Volume, and require far more time, then your Lordſhips have afforded unto the ſaid Judges ; conſidering their great Toyl in the Circuits the laſt long Vacation, their other Employments in the Common-wealth at their daily Attendance on your Lordſhips in Parliaments, and in ordering Courts of Juſtice ; and yet leſt they may ſeem to come any way ſhort in performance of that Duty, which they confeſs to be due unto your Lordſhips, or be wanting in promoting and advancing the Good of the Common-wealth, which they believe to be aimed at by the ſaid Queſtions, though it may ſeem to draw Damage or Prejudice upon their Particulars, They do in all humbleneſs preſent unto your Lordſhips the enſuing Anſwers unto the ſaid Queſtions, which is as much as by their Oaths, or in their Duty they owe unto His Sacred Majeſty (before his Princely pleaſure be therein ſignified) they can anſwer thereunto.

TO the Firſt they Anſwer, ‘ That the Subjects of this Kingdom are a Free People, and are for the general to be Govern'd only by the Common Laws of *England*, and Statutes of Force in this Kingdom: yet they ſay, That as in *England* many Statutes are grown obſolete, and out of uſe ; and ſome particular Ancient Laws, as well in Criminal as Civil Cauſes, have been changed by Interpretation of the Judges there, as they found it moſt agreeable for the general Good of the Common-wealth, and as the Times did require it, ſo our Predeceſſors the Judges of this Kingdom, as the Neceſſity of the Times did move them, did declare the Law in ſome particular Caſes, otherwiſe then the ſame is practiſed in *England* ; which the now Judges cannot alter, without apparent diminution of a great part of His Majeſties ſtanding Revenue, and opening a Gap for the ſhaking, and queſtioning the Eſtates of many of His Majeſties Subjects, and the overthrowing of ſeveral Judgments, Orders and Decrees, which depend thereupon : For Example, If it be found by Office of Record ſufficient for Form, That a Man was killed in actual Rebellion, and at the time of his Death, he was ſeiſed of Lands, Hereditaments, Goods, or Chattels, by the conſtant Declaration of Law and Practiſe in former times here, the Crown was Intitled to ſuch Lands, Goods, and Chattels, and many Mens Eſtates depend thereupon ; and yet the Law is not ſo taken in *England*. So, If one or more commit Felony, and then ſtand out upon his, or their keeping, and he or they will not ſubmit themſelves to be tryed by the Law, but being in that Caſe, do rob, or ſpoil, and terrifie His Majeſties People, whereby the Country is diſquieted ; This by the conſtant Opinion of our Predeceſſors in this Kingdom, hath been adjudged a Levying of War within the Statute of 25 *E.* 3. and ſo conſequently Treaſon. Alſo by the common received Opinion, and Practice of this Kingdom, the Wife is to have a Third of all ‘the Goods and Chattels, and Credits of her Husband, the Debts being paid, although he diſpoſe of all by his Will from her: And yet the conſtant Practiſe is otherwiſe in *England*: And other Inſtances of that kind might be made; ſo that that word [*Only*] muſt receive a benign Expoſition, before the firſt Queſtion can receive a general Anſwer in the Affirmative. Secondly, Many Cauſes of great Weight, and Conſequence in this Kingdom are to be Decreed and Ordered by Equity in the proper Courts of Equity; and in Courſe of State at the Council Board, and by particular Cuſtomes not contrary to Law, for which the Common Law, and Statutes of Force in this Kingdom gave no Remedy. Thirdly, There are ſeveral other Laws of Force in *England*, and *Ireland*, ſo far as they have been received, which though ſome would have to be part of the Common Law of *England*, yet we find them particularly diſtinguiſhed from it in our Printed Books, and Parliament Rolls in *England*; As, *Lex & Conſuetudo Parliamenti*, *jura Belli*, Eccleſiaſtical or Canon Law in certain Caſes, Civil Law in ſome Caſes, not only in Eccleſiaſtical Courts, but in the Courts of Conſtable and Marſhal, and of the Admiralty, and upon particular occaſions in other Courts, *Lex Mercatoria*, &c.

‘2. To the Second they ſay, That the Judges of this Kingdom do take the Oath of Judges; which Oath is ſpecified amongſt the Statutes in 18 *E.* 3. And is afterwards explained by the *Stat.* of 20 *E.* 3. And that they may not ſtay, hinder or delay the Suit of any Subject or his Judgment, or Execution thereupon (otherwiſe than according to the Law and Courſe of the Court, when they Sit, under pretence of any Act of State, Proclamation, Writ, Letter or Direction, under the Great or Privy Seal, or Privy Signet, or Letter or other Commandment, Lord Lieutenant, Lord Deputy, Juſtice, Juſtices, or other Chief Governors of this Kingdom; moſt of which doth appear by their Oath expreſſed in the Statutes, and the Statute of 20 *E.* 3. *c.* 8. And the Statute of 20 *E.* 3. *c.* 2. as to the Barons of the *Exchequer*; And that as they know no Puniſhments due to Judges for their Deviations and Tranſgreſſions without other Aggravation, ſo they know no puniſhment laid down by any Law againſt them for their Deviations and Tranſgreſſions in hindering, ſtaying, or delaying of Juſtice contrary to their ſaid Oath, and the Statute of 20 *E.* 3.

‘3. To the Third they ſay, That it is part of their ſaid Oath as Judges, that they ſhall not Counſel or aſſent to any thing that may turn to the damage or diſheriſon of our Soveraign Lord the Kings moſt Excellent Majeſty, by any manner of way, or colour; And that they give no Advice or Counſel to any man great or ſmall, in no Caſe, wherein the King is a Party; And that they ſhall do, and procure the Profit of the King, and his Crown in all Things, where they may reaſonably do the ſame; And that in the Explanation of their ſaid Oaths by the Statute of 20 *E.* 3. c. 1. It is declared, *That they ſhall give no Counſel to great Men, nor ſmall, in caſe where the King is Party, or which doth, or may touch the King in any point.* And as your Lordſhips have been honourably pleaſed by an Order of this Honourable Houſe bearing date the firſt of *March*, *Anno Domini*, 1640. *Annoque Regni Regis Caroli* 16. to give way, That they ſhould not be Compelled to Anſwer any part of the ſaid Queſtions, which did concern his Majeſties Preroga-

‘tive, or were againſt their Oaths; ſo they humbly repreſent unto your Lordſhips, That they conceive, that the Anſwering of the Particulars of this Queſtion doth concern both; for that the King's Privy Council, as the Queſtions terms it, or Council Board, is a Court of his Majeſties high Prerogative, where all Proceedings are before him and his Council, or before his Governor (who immediately to many Purpoſes, repreſent his Majeſties Perſon,) and the Council; And where the great Affairs of State concerning his Majeſties Honor, Government, Profit, and of great Perſons and Cauſes, concerning the Common-Wealth, which may not be conveniently remedied, by the ordinary Rules of the Common-Law, and many other Caſes have been Treated of, and managed; And as his Majeſty is the Fountain of all Juſtice within this Kingdom, and may grant Cognizances of Pleas unto his Subjects, and Corporations, and may by his Commiſſions, Authorize whom he ſhall think fit, to Execute many Branches of his Authority; ſo We humbly conceive, That it doth not ſtand, with our Oathes or Duties of our Places (who are but Judges of the ordinary Courts of Juſtice) before his Majeſties Pleaſure ſignified in that behalf, to ſeek into the Commiſſions, or Inſtructions of the Chief Governor, and Council, or to give any Opinion concerning the Limits, Juriſdictions, Orders, Decrees, Proceedings, or Members of that High Court; And that the King, hath a Prerogative for hearing ſome of the Matters in this Queſtion, ſpecified before his Chief Governor. We beſeech your Lordſhips, to caſt your Eyes on the Statute of 28 *H. 6.* c. 2. in this Kingdom; where after Matters are directed, to be ſent to the Ordinary Courts, yet the King's Prerogative is expreſly ſaved; notwithſtanding all which, his Gracious Majeſty, for whom it is moſt proper, hath of late been pleaſed to Limit the Proceedings of that Board, by his Inſtructions in Print.

‘4. To the fourth, they Anſwer as to the Third.

‘5. To the fifth they ſay, That generally all Grants of Monopolies, whereby Trading, Manufacture, or Commerce is reſtrained, and the Profit which ſhould go to many, is hindred and brought into a few Hands, are againſt Law, and the Liberty of the Subject, and the Good of the Commonwealth, tho they carry never ſo fair a pretence of Reforming Abuſes; And that the pretended Tranſgreſſors againſt ſuch Grants are not at all puniſhable by any Rule of Law that they know of: And yet they ſay, That they conceive, That his Majeſty, that is the Head and Father of the Commonwealth, may reſtrain the Uſe, and Importation, and Exportation of certain Commodities, or reſtrain the ſame into a few Hands for a time, where there may be a likelyhood of his Majeſties Profit, (which is the profit of the Commonwealth) and no apparent prejudice to the Commonwealth doth appear; And that when time ſhall diſcover ſuch Prejudice, then ſuch Reſtraint ought to Ceaſe. So if a man by his own Invention at home, or Travel, Obſervation, or Charge abroad, doth introduce a new profitable or uſeful Trade, or Profeſſion into the Commonwealth; in ſuch Caſes his Majeſty may lawfully Grant, and Licenſe the only making of ſuch Commodity, or teaching or uſing of ſuch Trade for a certain time, and the Tranſgreſſors againſt ſuch Warrantable Grants may be puniſhed, by paying of Damages unto the Patentee, in an ordinary Courſe of Juſtice,

Novemb. 1641.

'or otherwiſe as the nature of the Offence and Matter doth deſerve, and 'as the Conſequence, and Importance of the matter may be to the King, 'State or Commonwealth: And they ſay, That the Matter, Manner, Re'ſtrictions, Limitations, Reſervations, and other Clauſes contained in 'ſuch Grants or Licenſes, and the Commiſſions, or Proclamations there'upon, and undue Execution thereof, and ſeveral Circumſtances, may 'make the ſame Lawful or Unlawful, whereof they are not able to give 'any Certain Reſolution (before ſome Particular comes in Judgment be'fore them), neither are they otherwiſe able to anſwer the Generals in 'the Particulars of the ſaid Queſtion, *Of what, in what Caſes, how, where, 'and by whom, or which of them*; wherein whoſoever deſires further ſa'tisfaction, he may pleaſe to have Recourſe to the known Caſes of Mono'polies in printed Authorities, and written Records, and unto the Sta'tute of 21 *Jac.* in Engl. concerning *Monopolies*, and their ſeveral Excep'tions and Limitations therein.

'6. To the Sixth they ſay, They can no otherwiſe anſwer then they 'have already in their Anſwer to the Third Queſtion, for the Reaſons 'therein ſet forth.

'7. To the Seventh they ſay, That a Proclamation, or Act of State 'cannot alter the Common Law, and that Proclamations are Acts of 'his Majeſties Prerogative, and are, and always have been of great uſe, 'and that the Contemners of ſuch of them, as are not againſt the Law, 'are, and by the conſtant Practiſe of the Star-Chamber in *England*, have 'been puniſhed according to the Nature of the Contempt, and Courſe 'of the ſaid Court; And although Acts of State, are not of Force to 'bind the Goods, Poſſeſſions and Inheritance of the Subject, yet they 'have been of great uſe, for ſetling of the Eſtates of very many Sub'jects in this Kingdom; as may appear in the Report of the Caſe of '*Iriſh Gavil-Kind* in Print; And further to that Queſtion they cannot 'Anſwer, for the Reaſons in their Anſwer unto the third Queſtion ſet 'forth.

'8. To the Eighth they ſay, That they know no ordinary Rule of 'Law, by the which the Subjects of this Kingdom, are made Subject 'to Martial Law in time of Peace, and that they find the uſe thereof, 'in the time of Peace in *England* complained of, in the *Petition of 'Right*, exhibited unto his Majeſty in the third year of his Reign; 'and that they conceive, That the Granting of Authority and Com'miſſion for execution thereof, is derived out of his Majeſties Regal 'and Prerogative Power, for ſuppreſſing of ſudden and great Inſolen'cies, Inſurrections among Armies, or Multitudes of Armed Men law'fully or unlawfully convented together, the right uſe whereof in all 'times hath been found moſt neceſſary in this Kingdom; And further to 'that Queſtion they cannot Anſwer, for that (as they conceive) it 'doth concern his Majeſties Regal Power, and that the Anſwer of the 'other Part of the Queſtion, doth properly belong to another Profeſ'ſion, whereof they have no Cognizance.

'9. To the Ninth they ſay, That as the taking of any Oath, be'fore any but ſuch Judges, or Perſons as have Power to give, or De'mand an Oath, for deciſion of Controverſies, is by moſt Divines, in

Novemb. 1641.

‘moſt Caſes, counted to be a raſh Oath, and ſo an Offence againſt God within the third Commandment; ſo the perſcribing, or demanding of a ſet Oath, by any that cannot derive Power ſo to do, from the Crown (where the Fountain of Juſtice under God doth reſide) Is an Offence againſt the Law of the Land; and as for Voluntary and Extrajudicial Oaths, althô freely taken, before Arbitrators or others, they ſay (as this Kingdom is Compoſed in many Particulars, as the Nature and Conſequence of the Courſe, or the Quality of the Perſon who taketh, or before whom the ſame is taken, may concern the Common-Wealth, or the Members thereof,) ſuch taking of ſuch Oaths, or Proceeding or Grounding on ſuch Oath, in deciding of Differences according to the ſeveral Circumſtances, that may occur therein, or the Prejudice it may introduce to the Common-Wealth, may be puniſhable by the Common Law; or if it grow unto an height or general Inconvenience to the Common-Wealth, or Members thereof in the Caſtle-Chamber; for thô ſuch an Oath be Voluntary, yet in moſt Caſes it is received by him, that doth intend to ground his Judgment thereon, and after the Oath is taken, the Arbitrator, or he that intends to yield Faith to the Party that took the Oath, doth examine him upon one or more Queſtions upon the ſaid Oath unto the Anſwer, whereof he doth give Faith and Aſſent, truſting on the ſaid Oath; And whereas Oaths, by God's Inſtitution, were chiefly allowed to be taken before lawful Magiſtrates for ending Controverſies, yet common Experience doth teach in this Kingdom, That oftentimes Orders, and Acts grounded on ſuch Voluntary Oaths beget Strife, and Suits; and commonly ſuch Orders, when they come to be meaſured by the Rules of Law, or Equity in the King's Courts, become void, after much expence of Time and Charge, that we ſay nothing of that, that thereby many Cauſes proper for the King's Courts, are drawn *ad aliud examen,* are thereby the Juſtice and Courts often defrauded and declined.

‘10. To the Tenth they ſay, That they are not Judges of Rules of Policy, but of Law, and that they know no certain Rule of Law, concerning Reducement of Fines, the ſame being Matters of his Majeſties meer Grace, after a Man is cenſured for an Offence. And that they know no Law, that none ſhall be admitted to Reducement of his Fines, or other Penalties in the Courts, in the Queſtion ſpecified, until he confeſs the Fact, for which he was Cenſured: But foraſmuch as the admittance or Reducement after Conviction for an Offence, is Matter of Grace, and not Juſtice. It hath been the conſtant Courſe of thoſe Courts, both here and in *England*, for clearing of his Majeſties Juſtice (where the Party will not go about to clear himſelf, by reverſal of the Cenſure or Decree) not to admit him to that Grace, until he hath confeſſed the juſtneſs of the Cenſure, pronounced by the Court againſt him; and that the rather, for that commonly the Ability or diſability of the Party, doth not appear in Judgment before them, but the Nature and Circumſtances of the Offence, according to which they gave Sentence againſt him, or them in *Terrorem*, after which, when the Party ſhall make the weakneſs of his Eſtate to appear, or that the Court is otherwiſe aſcertained thereof, they do of Courſe proportion the Cenſure or Penalty, having regard to his Eſtate.

11. To the Eleventh they ſay, ‘That neither the Judges of the *King's Bench* (as they inform us that are of that Court) or Juſtices of Goal-Delivery, or of any other Court, do or can by any Law they know, deny the Copies of Indictments of Felony or Treaſon to the Party only Accuſed, as by the ſaid Queſtion is demanded.

12. To the Twelfth they ſay, ‘That where Lands are holden of the King by Knights-Service in *Capite*, the Tenant by the ſtrict Courſe of Law ought in Perſon to do his Homage to the King: And until he hath done his Homage, the Ancient Courſe of the Exchequer hath been, and yet is to iſſue Proceſs of *Diſtringas* out of the ſecond Remembrancers Office to diſtrain the Tenants, *ad faciendum Homagium*; or *ad faciendum finem pro Homagio ſuo reſpectuando*; upon which Proceſs the Sheriff returneth Iſſues; and if the Tenants do not thereupon appear, and compound with the King to give a Fine for Reſpit of Homage, then the Iſſues are forfeited to the King for the Contempt. But if he appear, then the Court of Exchequer doth agree with him to Reſpite his Homage for a ſmall Fine, wherein they regulate themſelves under the Rate expreſſed, and ſet down in *England* by Virtue of a Privy Seal, in the 15*th* year of Queen *Elizabeth*, wherein the Rates are particularly ſet down, according to the yearly value of the Lands; which Rates are confirmed by Act of Parliament in the firſt of King *James*, c. 26. in *England*; before which time there was not any ſuch certainty, but the ſame reſted in the diſcretion of the Court by the Rule of Common Law; and ſo it doth at this day in *Ireland*. Howbeit, we conceive that the Court of Exchequer here, do well to regulate their diſcretions by thoſe Rates in *England*, and rather to be under then to exceed the ſame, which the Barons there do, as they do inform us, that are Judges of the other Courts.

13. To the 13*th* they ſay, ‘That they know no Rule of Law, or Statute by which it ſhould be Cenſurable in the Subjects of this Kingdom to Repair and Appeal unto His Majeſty for Redreſs of Injuries, or for other their Lawful occaſions, unleſs they be prohibited by His Majeſties Writ or Proclamation, or other his Command: But they find, that by the Statute of 5 *R.* 2. that the paſſage of the Subjects out of the Realm is prohibited without ſpecial Licenſe, excepting Noblemen, and others in the ſaid Statute ſpecially excepted; and ſome inference to that purpoſe may be made upon that Statute of 25 *H. 6. c.* 2. in this Kingdom.

14. To the Fourteenth they ſay, ‘That ſome Deanries and Dignities (not Deans or Dignitaries as the Queſtion propounds it) are properly *Et de mero Jure*, Donative by the King, ſome Elective, and ſome Collative, according to the firſt Foundation, and Uſage of thoſe Churches. And they humbly deſire that they may not be required to give any further Anſwer to this Queſtion, for that it may concern many Mens Eſtates, which may come Judicially before them.

15. To the Fifteenth they ſay, ‘That they conceive that where Priviledges are claimed, by any Body Politic, or other, the King's Council may exhibit a *Quo Warranto* to cauſe the Parties claiming ſuch Priviledges, to ſet forth, and ſhew by what Warrant they claim the ſame; ‘and

Novem. 1641.

‘and that the Court cannot hinder the iſſuing of Proceſs at the Inſtance of the King's Attorney, to exhibit ſuch Information: But when the Caſe ſhall upon the Proceedings be brought to Judgment, then, and not before the Court is to take notice, and give Judgment upon the Merit, and Circumſtances of the Cauſe, as upon due conſideration ſhall be conceived to be according to Law; in which Caſe the Judges, nor the King's Attorney (as they conceive) ought to be puniſhed by any ordinary Rule of Law or Statute that they know; But for this particular Queſtion of *Quo Warranto*, for that it hath been a great Queſtion in this preſent Parliament, and concerns the higheſt Court of Juſtice in this Kingdom, and alſo concerns two other of His Majeſties Courts of Juſtice, and therein His Majeſties Prerogative in thoſe Courts, they cannot ſafely deliver any Opinion therein, before it comes Judicially before them, and that they hear it argued, and debated by Learned Councel on both ſides.

16. To the Sixteenth they ſay, ‘That although the Jurors be the ſole Judges of the matter of Fact, yet the Judges of the Court are Judges of the Validity of the Evidence, and of the matters of Law ariſing out of the ſame, wherein the Jury ought to be guided by them; And if the Jury in any Criminal Cauſe between the King, and Party give their Verdict contrary to clear and apparent Evidence delivered in Court, they have been conſtantly, and ſtill ought to be Cenſured in the Star-Chamber in *England*, and Caſtle-Chamber here, for this miſdemeanour in perverting the right Courſe of Juſtice in ſuch Fines, and other puniſhment, as the Merits and Circumſtances of the Cauſe doth deſerve, according to the Courſe of the ſaid Courts. For that their Conſciences ought to be directed by the Evidence, and not be miſguided by their Wills and Affections; and if the Jury know any matter of Fact, which may either better or blemiſh their Evidence, they may take advantage thereof, but they ought to diſcover the ſame to the Judges; And they ſay, That this proceeding in the Court of Caſtle-Chamber is out of the ſame ground, that Writs of *Attaint* are againſt a Jury that gives a falſe Verdict in a Court of Record at the Common Law, betwixt Party and Party; which falſe Verdict being found by a Jury of 24; notwithſtanding that the firſt Jurors were Judges of the Fact, yet that infamous Judgment was pronounced againſt the firſt Jury, which is next, or rather worſe then Judgment of Death, and lay a perpetual brand of Perjury upon them; for which reaſon it was Antiently called the *Villainous Judgment*: And they ſay, That the Law to direct the puniſhment for ſuch Offence, is the courſe of the ſaid Court, which is a Law as to that purpoſe; and the Statute of 3 *H.* 7. *cap.* 1, 2. and other Statutes of Force in this Kingdom.

‘17. To the Seventeenth they ſay, They can anſwer no otherwiſe then they have in their Anſwer to the next precedent Queſtion.

‘18. To the Eighteenth they ſay, That in a Legal Conſtruction, the Statute of *Magna Charta*, in which the words of *Salvo Contenemento* are mentioned, is only to be underſtood of Amerciaments, and not of Fines; Yet where great Fines are impoſed *in Terrorem* upon the reducement of them, regard is to be had to the Ability of the Perſons.

‘19. To the Nineteenth they ſay, That if one doth ſteal a Sheep, or commit other Felony, and after flyeth the Courſe of Juſtice, or lyeth in Woods or Mountains upon his Keeping, Yet he doth not thereby become a Traytor, neither doth a Proclamation make him ſo; the Chief uſe whereof in ſuch a caſe, is to invite the Party ſo ſtanding out, to ſubmit himſelf to Juſtice, or to forewarn others of the danger they may run into by Keeping him Company, or giving him Maintenance or Relief, whereby he may the Rather ſubmit to Juſtice.

‘20. To the Twentieth they ſay, That the Teſtimony or Evidence of Rebels or Traytors, under Protection, or Thieves, or other Infamous perſons, is not to be uſed or preſſed as Convincing Evidence upon the Tryal of any man for his Life; And ſo is his Majeſties printed Inſtructions as to perſons Condemned, or under Protection; yet the Teſtimony of ſuch perſons not condemned, may be given in Evidence at the Tryal, and being fortified with other Concurring Proof, or Apparent Circumſtances, may be preſſed upon any Tryal, and for diſcovering their Fellows, or Abettors, or Relievers, as the Circumſtances may offer themſelves in their Examination, eſpecially if before they Confeſs themſelves guilty of the Offence in Imitation of the Approver at the Common Law, whereof no Certain Rule may be given; And it needs not be made a Queſtion here, *Whether the Jurors, or Judges ought to be Judges of the matter of Fact*, It being poſitively laid down in the *16th* Queſtion, that they are; and tho their falſe Verdict doth convince or not convince the Priſoner, yet they may be queſtioned and puniſh'd for a falſe Verdict, as in their Anſwer to the *16th* is already declared.

‘21. To the Twenty firſt they ſay, That that Queſtion is now judicially depending, and hath been already ſolemnly argued in his Majeſties Court of Wards, in which Court their Aſſiſtance for declaration of the Law therein is already required; And therefore they humbly deſire they may not be compelled to give any Opinion touching that Point, until it be reſolved there.

‘22. To the Two and twentieth they ſay, That they do conceive there is no matter of Law contained in the ſaid Queſtion; yet for further ſatisfaction of your Lordſhips, they ſay, That upon View of an Act of State, bearing date at his Majeſties Caſtle of *Dublin* the *24th* of *December* 1636. grounded upon his Majeſties Letters of the *5th* of *July* laſt paſt, it appears unto them, that Four ſhillings in the pound as of his Majeſties free Gift and Reward out of the firſt payment of the Increaſe of Rent reſerved to his Majeſty, was allow'd unto the Judges that were Commiſſioners, and attended that Service; And they humbly conceive, That the receiving of that Four ſhillings in the pound of his Majeſties Bounty, ſtands well with the Integrity of a Judge; And thoſe Judges did inform them, That they did not avoid any Letters Patents upon thoſe Commiſſions of Defective Titles, but receive ſuch to Compound as ſubmitted, for the ſtrengthening of their defective Patents and Titles; And ſuch as would ſtand upon the Validity of their Grants, were left to the Tryal of Law; And that the Compoſitions made after the ſaid Grants of 4 *s.* in the pound, were made according

Novemb. 1641.

'to Rules and Rates agreed upon by all the Commiſſioners before his 'Majeſty's ſaid Letters, or the ſaid Act of State, and not otherwiſe.

The *Commons* not being ſatiſfied with theſe Sober and Calm Reſolutions of the Judges, fell to Voting their own Senſe, and to make Declarations of the Law upon their former *Queries* as followeth.

Queſtions propounded in Parliament, And Declarations of the Law thereupon in Parliament.

The Declaration of the Commons in *Ireland* upon the Queries propounded to the Judges.

Queſt. 1. W*Hether the Subjects of this Kingdom be a Free People, and to be Governed only by the Common Laws of* England, *and Statutes of Force in this Kingdom?*

Declarat. The Subjects of this his Majeſties Kingdom of *Ireland*, are a free People, and to be Governed only, according the Common Law of *England*, and Statutes made and eſtabliſhed by Parliament in this Kingdom of *Ireland*, and according to the Lawful Cuſtoms, uſed in the ſame.

2. Queſt. *Whether the Judges of this Land do take the Oath of Judges? And if ſo, Whether under pretext of any Act of State, Proclamation, Writ, Letter or Direction, under the Seal, or Privy Seal, Signet, or Letter, or other Commandment from the Lord Lieutenant, Lord Deputy, Juſtice, Juſtices, or other Chief Governor, or Governors of this Kingdom, they may hinder, ſtay or delay the Suit of any Subject, or his Judgment, or Execution thereupon. If ſo, in what Caſes? And whether if they do hinder, ſtay, or delay ſuch Suit, or Judgment or Execution thereupon, what Puniſhment do they incur for their deviation and tranſgreſſion therein?*

Declarat. That Judges in *Ireland*, ought to take the Oath of the Juſtices, or Judges declared and eſtabliſhed, in ſeveral Parliaments of Force in this Kingdom, and the ſaid Judges, or any of them by Color, or under Pretext of any Act of State or Proclamation, or under Color, or Protext of any Writ, Letter, or Direction under the Great Seal, Privy Seal, or Privy Signet, from the King's Moſt Excellent Majeſty, or by Color or Pretext of any Letter or Commandment from the Chief Governor, or Governors of this Kingdom, ought not to hinder or delay the Suit of any Subject, or his Judgment or Execution thereupon; and if any Letters, Writs or Commands come from his Majeſty, or from any other, or for any other Cauſe to the Juſtices, or to the other deputed to do the Law, and right according to the Uſage of the Realm, in diſturbance of the Law, or of the Execution of the ſame, or of Right to the Party, the Juſtices and others aforeſaid, ought to proceed and hold their Courts and Proceſſes, where the Pleas and Matters be depending before them, as if no ſuch Letters, Writs or Commandments were come to them; And in caſe any Judge or Judges, Juſtice or Juſtices be found in default therein, he, or they ſo found in default, ought to incur, and undergo due Puniſhment, according to the Law and former Declarations and Proviſions in Parliament, in that Caſe made, and of Force in this Kingdom, or as ſhall be Ordered, Adjudged or Declared in Parliament. And the Barons of the Exchequer, Juſtices of the Aſſize and Goal-delivery (if they be found in default as aforeſaid) It is hereby declared, That they ought to undergo the Puniſhment aforeſaid.

3. Queſt. *Whether the Kings Majeſties Privy Council either with the Chief Governor or Governors of this Kingdom, or without him or them, be a Place of Judicature by the Commons Laws, and wherein Cauſes between Party and Party, for Debts, Treſpaſſes, Accompts, Poſſeſſions, or Title of*

Lands,

Novemb. 1641.

Lands, or any of them; or which of them may be heard, and determined, and of what Civil Cauſes they have Juriſdiction, and by what Law; And of what Force is their Order, or Decree in ſuch Caſes, or any of them?

Declarat. The Council Table of this Realm; either with the Chief Governor or Governors, or without the Chief Governor or Governors, is no Judicatory, wherein any Action Real, Perſonal, Popular or Mixt, or any Suit in the Nature of the ſaid Actions, or any of them, can or ought to be Commenced, Heard or Determined, and all Proceedings at the Council Table in any Suit, in the nature of any of the ſaid Actions are void, eſpecially Cauſes particularly provided for, by expreſs Acts of Parliament of Force in this Kingdom only excepted.

4. Queſt. *The Like of the Chief Governor alone.*

Declarat. The Proceedings before the Chief Governor or Governors alone in any Action Real, Perſonal, Popular or Mixt, or in any Suit in the Nature of any of the ſaid Actions, are *Coram non Judice*, and void.

5. Queſt. *Whether Grants of Monopolies be warranted by the Law, and of what, and in what Caſes, and how and where, and by whom are the pretended Tranſgreſſors againſt ſuch Grants puniſhable; and whether by Fine, Mutilation of Members, Impriſonment, Loſs, and Forfeiture of Goods, or otherwiſe, and which of them?*

Declarat. All Grants of Monopolies are contrary to the Laws of this Realm, and therefore void, and no Subject of the ſaid Realm ought to be Fined, Impriſoned, or otherwiſe Puniſhed, for exerciſing or uſing the Lawful Liberty of a Subject, contrary to ſuch Grants.

6. Queſt. *In what Caſes the Lord Lieutenant, Lord Deputy, or other Chief Governor, or Governors of this Kingdom and Council, may puniſh by Fine, Impriſonment, Mutilation of Members, Pillory, or otherwiſe; And whether they may Sentence any to ſuch the ſame, or the like puniſhment, for infringing the Commands of or concerning any Proclamation of and concerning Monopolies, and what puniſhment do they incur that Vote for the ſame?*

Declarat. The Lord Lieutenant, Lord Deputy, or other Chief Governor, or Governors, and Council of this Realm, or any of them, ought not to impriſon any of his Majeſties Subjects, but only in Caſes, where the Common Laws or Statutes of the Realm do inable, and warrant them ſo to do; and they ought not to Fine, or to Cenſure any Subject in mutilation of Member, ſtanding on the Pillory, or other ſhameful Puniſhment in any Caſe, at the Council Table; and no Subject ought to be Impriſoned, Fined, or otherwiſe Puniſhed, for Infringing any Commands or Proclamation, for the ſupport or Countenance of Monopolies; and if in any Caſe, any Perſon or Perſons, ſhall be committed by the Command, or Warrant of the Chief Governor or Governors, and Privy Council of this Realm, or any of them, That in every ſuch Caſe, every Perſon, or Perſons ſo Committed, reſtrained of his, or their Liberty, or ſuffering Impriſonment, upon Demand or Motion, made by his or their Counſel, or other imployed by him or them for that purpoſe, unto the Judges of the Court of Kings-Bench, or Common-Pleas in open Court, ſhall without delay upon any Pretence whatſoever, for the ordinary Fees uſually paid for the ſame, have forthwith granted unto him or them, a Writ or Writs of *Habeas Corpus* to be directed generally unto all and every Sheriff, Goaler, Miniſter, Officer, or other Perſon, in whoſe Cuſtody the Party or Parties ſo Committed or Reſtrained ſhall be, ſhall at the Return of the ſaid Writ or Writs, and according to the Command thereof, upon due and convenient notice thereof, given to him at the

November, 1641.

Charge of the Party or Parties who requireth, or procureth ſuch Writ or Writs, and upon Security, by his or their own Bond or Bonds, given to pay the Charge of carrying back the Priſoner or Priſoners, if he, or they ſhall be commanded by the Court, to which he or they ſhall be brought, as in like Caſes has been uſed, ſuch Charges of bringing up, and carrying back the Priſoner or Priſoners, to be always ordered by the Court, if any Difference ſhall ariſe there, about bringing or cauſe to be brought, the Body or Bodies of the ſaid Party or Parties ſo committed or reſtrained unto, and before the Judges, and Juſtices of the ſaid Court, from whence the ſame Writ or Writs ſhall iſſue in open Court, and ſhall then likewiſe certify the true Cauſe of ſuch his or their Deteinors or Impriſonment, and thereupon the Court after ſuch Return made and delivered in open Court, ſhall proceed to examine, and determine, whether the Cauſe of ſuch Commitment appearing upon the ſaid Return, be juſt and legal or not, and ſhall thereupon do what to Juſtice ſhall appertain, either by Delivering, Bailing, or remanding the Priſoner or Priſoners.

7. Queſt. *Of what Force is an Act of State, or Proclamation in this Kingdom to bind the Liberty, Goods, Poſſeſſions, or Inheritance of the Natives thereof; whether they, or any of them can alter the Common Law, or the Infringers of them looſe their Goods, Chattels or Leaſes, or forfeit the ſame by Infringing any ſuch Act of State, Proclamation, or both; And what puniſhment do the ſworn Judges of the Law that are Privy Councellors incur, that Vote for ſuch Acts, and Execution thereof?*

Declarat. An Act of State, or Proclamation in this Kingdom, cannot bind the Liberty, Inheritance, Poſſeſſion or Goods of the Subjects of the ſaid Kingdom, nor alter the Common Law, and the Infringers of any ſuch Act of State, or Proclamation, ought not to forfeit Lands, Leaſes, Goods or Chattels for the infringing of any ſuch Act of State or Proclamation; and the Judges of the Law, who do vote for ſuch Acts of State or Proclamation, are puniſhable as Breakers and Violators of their Oaths of Judges.

8. Queſt. *Are the Subjects of this Kingdom ſubject to the Martial Law; And whether any man in the time of Peace, no Enemy being in the Field with Banners diſplayed, can be Sentenced to death? If ſo, by whom, and in what Caſes? If not, What Puniſhments do they incur, that in time of Peace execute Martial Law?*

Declarat. No Subject of this Kingdom ought to be Sentenced to Death, or Executed by Marſhal Law in time of Peace; and if any Subject be ſo Sentenced, or Executed by Marſhal Law in time of Peace, the Authors and Actors of any ſuch Sentence or Execution, are puniſhable by the Law of the Land, for their ſo doing, as Doers of their own Wrong, and contrary to the ſaid Law of the Land.

9. Queſt. *Whether Voluntary Oaths taken freely before Arbitrators for Affirmance, or Diſaffirmance of any thing, or for the true performance of any thing, be puniſhable in the Caſtle-Chamber, or any other Court; and why, and wherefore?*

Declarat. No Man ought to be puniſhed in the Caſtle-Chamber, or any other Court, for taking a Voluntary Oath before Arbitrators, for affirmance or diſaffirmance of any Thing, or the true Performance of any thing in Civil Cauſes, nor are the Arbitrators, before ſuch Voluntary Oath ſhall be taken, Puniſhable.

10. Queſt. *Why, and by what Law, or by what Rule of Policy is it, that none is admitted to Reducement of Fines and other Penalty, in the Caſtle-*

Novemb. 1641.

Caſtle-Chamber, or Council Table, untill he confeſs the Offence for which he is Cenſured, when as Revera *he might be innocent thereof, tho ſuborned Proofs, or Circumſtance might induce a Cenſure?*

Declarat. By the Laws and Statutes of the Realm, no Man is bound, or ought to be compelled, to acknowledg the Offence laid to his Charge, or the juſtneſs of any Cenſure paſt againſt him, in the Caſtle-Chamber, or at the Council Table, nor ought to be deteined in Priſon, or abridged of his Liberty, or the Reducement of his Fine ſtayed or delayed, until he doth acknowledg ſuch Offence, or the juſtneſs of ſuch Cenſure. And it is further declared, That no ſuch inforced or wreſted Confeſſion or Acknowledgment, can, or ought to debar or hinder any Subject from his Bill of Reverſal, or Review of any Sentence or Decree, paſt or conceived againſt him in the Caſtle-Chamber, or in any other Court.

11. Queſt. *Whether the Judges of the* Kings-Bench, *or any other Judges of Goal-Delivery, or of any other Court, and by what Law, do, or can deny the Copies of Indictments of Felony, or Treaſon, to the Parties accuſed, contrary to the Law?*

Declarat. The Judges of the Kings-Bench, or Juſtices of Goal-Delivery, or the Judges of any other Court, ought not to deny Copies of Indictments of Felony or Treaſon to the Parties indicted.

12. Queſt. *What Power have the Barons of the Court of* Exchequer, *to raiſe the Reſpite of Homage arbitrarily to what Rate they pleaſe, to what Value they may raiſe it, by what Law they diſtinguiſh between the Reſpit of Homage upon the diverſity of the true value of the Fees; when as Eſcuage is the ſame for great and ſmall Fees, and are apportionable by Parliament?*

Declarat. The Barons of the Exchequer, ought to raiſe the Reſpite of Homage above the uſual Rates, appearing, in, and by the Courſe and Precedents of the Court, continued until the year of our Lord God 1637, and the raiſing thereof ſince that time, was Arbitrary, and againſt the Law. And the Barons of the Exchequer, ought not to diſtinguiſh between the Reſpite of Homage upon any diverſity of the true values of the Knight's Fees.

13. Queſt. *Whether it be Cenſurable in the Subjects of this Kingdom to repair into* England *to appeal to his Majeſty for Redreſs of Injuries, or for other Lawful Occaſions? If ſo, for why, and in what Condition of Perſons, and by what Law?*

Declarat. The Subjects of this Kingdom, may lawfully repair into *England*, to appeal to his Majeſty, for Redreſs of Injuries, and for other their Lawful Occaſions, and for their ſo doing, ought not to be puniſhed, or queſtioned upon the Statute of 5 *R.* 2. nor by any other Law or Statute of Force in this Kingdom (eminent Officers and Miniſters of State, Commanders and Soldiers of his Majeſties Army, the Judges and Miniſters of his Majeſties Courts of Juſtice, and of his Highneſs Revenue, and Cuſtoms, whoſe Attendance is neceſſarily requiſite, by the Laws and Statutes of the Realm only excepted.)

14. Queſt. *Whether Deans, or other Dignitaries of Cathedral Churches be properly, and* de Mero jure *Donative, by the King, and not Elective, or Collative? If ſo, Why, and by what Law? And whether the Confirmation of a Dean* de Facto *of the Biſhops Grant be good, or valid in Law, and no? If not, by what Law?*

Declarat.

Novemb. 1641.

Declarat. Deanries, and other Eccleſiaſtical Dignities of this Realm, are not *de Mero Jure donative*, but ſome are *Donative*, and ſome *Elective*, and ſome are *Collative*, according to their reſpective Foundations, and the Confirmation of the Biſhops Grant, by a Dean *de Facto*, having actually *ſtallum in Choro et vocem in Capitulo*, together with the Chapter is good in Law.

15. Queſt. *Whether the iſſuing of* Quo Warranto's *out of the* Kings-Bench, *or* Exchequer, *againſt Boroughs, that antiently, and recently ſent Burgeſſes to the Parliament, to ſhew Cauſe why they ſent Burgeſſes to the Parliament, be Legal? If not, what puniſhment ought to be inflicted upon thoſe that are or have been the Occaſioners, Procurers, and Judges, of and in ſuch* Quo Warranto's?

Declarat. The Iſſuing of *Quo Warranto's* out of the Court of Kings-Bench, Court of Exchequer, or any Court, againſt Boroughs, that anciently or recently ſent Burgeſſes to the Parliament, to ſhew Cauſe, why they ſent Burgeſſes to Parliament, and all the Proceedings thereupon, are *Coram non Judice* Illegal and void, and the Right of ſending Burgeſſes to the Parliament is Queſtionable in Parliament only, and the Occaſioners, Procurers, and Judges in ſuch *Quo Warranto's* and Proceedings are Puniſhable, as in Parliament ſhall be thought conſonant to Law and Juſtice.

16. Queſt. *By what Law are Jurors, that give Verdict according to their Couſcience, and are the ſole Judges of the Fact, Cenſured in the Caſtle-Chamber, in great Fines, and ſometimes Pillored, with loſs of Ears, and bored through the Tongue, and marked ſometimes in the Forehead, with an Hot Iron; and other like Infamous Puniſhment?*

Declarat. Jurors are the ſole Judges of the Matter in Fact, and they ought not for giving their Verdict, to be bound over to the Court of Caſtle-Chamber, by the Judge or Judges, before whom, the Verdict was, or ſhall be given.

17. Queſt. *By what Law are men Cenſurable in the Caſtle-Chamber, with the Mutilation of Members, or any other Brand of Infamy; and in what Caſes, and what puniſhment in each Caſe there is due, without Reſpect to the Quality of the Perſon or Perſons?*

Declarat. No Man ought to be Cenſured in the Caſtle-Chamber, in the Mutilation of Members, or any other Brand of Infamy otherwiſe, or in other Caſes then is expreſly Limited, by the Statutes of the Realm, in ſuch Caſe provided.

18. Queſt. *Whether in the Cenſure in the Caſtle-Chamber, Regard be to be had to the words of the Great Charter, (viz.)* Salvo Contenemento? *&c.*

Declarat. In the Cenſures in the Caſtle-Chamber, eſpecial Regard ought to be had, to the Words of the Great Charter, *viz. Salvo Contenemento*, &c.

19. Queſt. *Whether if one that ſteals a Sheep, or commits any other Felony, and after flyeth the Courſe of Juſtice, or lyeth in Woods or Mountains, upon his keeping be a Traytor? If not, whether a Proclamation can make him ſo?*

Declarat. A Felon, who Flies the Courſe of Juſtice, and lyeth in Woods, Mountains, or elſewhere, upon his keeping is no Traitor, and a Proclamation cannot make him a Traitor.

20. Queſt. *Whether the Teſtimony or Evidence of Rebels, Traytors, Protected Thieves, or other infamous Perſons, be good Evidence in Law to be preſſed upon the Tryals of Men for their Lives; or whether the Judge or Jurors ought to be Judge of the matter?*

Declarat. The Teſtimony of Convicted or Protected Rebels, Traitors, or Felons, is no ſufficient Evidence in Law, upon the Tryal of any Perſon for his Life, and the Credit of the Teſtimony of Perſons Accuſed or Impeached, and not convicted of Felony or Treaſon, ought to be left to the Jury, who are ſole Judges of the Truth, and Validity of the ſaid Teſtimony.

21. Queſt. *By what Law are Fairs and Markets to be held in* Capite, *when no other expreſs Tenure is mentioned in his Majeſties Letters Patents, or Grants of the ſame Fairs and Markets, Altho the Rent or Yearly Sum be reſerved thereout?*

Declarat. The King grants Lands to be held in Free, and common Socage, as of a Caſtle or Mannor, by Letters Patents under the Great Seal, and by the ſame Letters Patents, or by other Letters Patents, Grants a Fair, and Market, reſerving a yearly Rent or Summ, without expreſſing any Tenure, as to the ſaid Fair or Market, the ſaid Fair or Market is not held by Knights Service in *Capite*, or otherwiſe in *Capite*.

Borlaſe's Hiſt. of *Ireland*, p. 12.

I cannot omit one remarkable paſſage, which I find mentioned in Dr. *Borlaſe*'s Hiſtory, which ſeems plainly to evince that during this time, when they appeared ſo Zealous for the Redreſſing of Publick Grievances, and removing the obſtructions of Juſtice, therein following the very ſame ſteps with the Faction of the Parliament of *England* and *Scotland*, they were at the ſame time complotting to ſhake off the Soveraignty of His Majeſty by an open Rebellion, as the *Scots* had done in Effect, and the *Engliſh* Parliamentary Faction preſently after did. Which may teach Poſterity hereafter, to be very Cautious of ſuch pretences and pretenders, who through the ſides of the prime Miniſters of State, endeavour to wound Majeſty it ſelf, and to cover the Deſigns of Teaſon and Rebellion with the Popular Cloak of Reformation, which were the very ſteps by which theſe Three Rebellions, one upon the neck of another, advanced themſelves within the compaſs of little leſs then three Years. The paſſage was this, *During the Summer Seſſions which began the* 11th *of* May, 1641. *Some of the chief Conſpirators, and among whom the Lord* Macguire *was one the moſt buſie, pretending a ſuſpition, That ſome of the Servants of the late Earl of* Strafford, *to revenge his death* (to which it ſeems by this, their own guilt acknowledged the *Iriſh* very inſtrumental) *intended ſome miſchief to the Parliament, moved the Houſe, and accordingly had Orders, that the Lords Juſtices would let His Majeſties Stores for Powder and Arms be ſearched, leſt any ſhould be placed near the Parliament Houſes; which being granted, and a diligent ſearch being made, but nothing found, yet were they not ſatisfied, but procured a new Order to the Lords Juſtices, to be admitted to ſee the Stores of Powder and Arms placed in other Rooms in, and about the Caſtle. To whom the Lord Juſtice* Borlaſe *anſwered, That thoſe were the King's precious Jewels, and not to be ſhewed without eſpecial Cauſe, but withal aſſuring them upon his Honor, that there was no Powder underneath*

underneath either of the Houſes of Parliament: with which anſwer they were not more diſcontented, then his Lordſhip ſeemed ſurpriſed with this repeated Order, which raiſed ſuch a ſudden Emotion in his blood, that he could not but often after reflect upon the reiterated importunity of the enquiry, as aiming at ſomething further then was at preſent diſcernable. Which plainly appears to be, to get a perfect knowledge both of the quantity of the martial Stores, and the certain place where they were depoſited, that thereby their intended ſurpriſal of them might be with more eaſe effected.

To Sum up what hath before been ſaid concerning the beginning of this Execrable and Unparallel'd Rebellion, take the Words of an *Excellent and Noble Author upon that Subject.

A *M. S. S.* in the cuſtody of his Grace the Duke of *Ormond*, written by the Right Honourable the Earl of *Clarendon.*

“ THe *Iriſh* Nation, *ſaith he*, was poſſeſſed of the moſt bleſſed and happy Condition, before their own (to ſay no worſe) unskilful Rage and Fury brought this War upon them; and they have ſince had leiſure enough thoroughly to conſider and value the wonderful Plenty, Peace, and ſecurity which they enjoyed till the year 1641, when they wantonly and diſdainfully flung thoſe Bleſſings from them: They were arrived to a mighty increaſe of Traffick, Improvement of Land, Erection of Buildings, and whatever elſe might be profitable or pleaſant to any People; and theſe deſirable Advantages and Ornaments the Policy and Induſtry of that Nation was utterly unacquainted with, till they were brought to them by the skill and labour of the *Engliſh*, planting and living Charitably, Friendly, and Hoſpitably among them; Taxes and Tillages and other Contributions were things hardly known to them ſo much as by their Names: whatever their Lands, Labour or Induſtry produced was their own; and they were not only free from the fear of having it taken from them by the King, upon any pretence whatſoever without their own conſents, but alſo ſo ſecured againſt Thieves, and Robbers, by the Execution of good Laws, that Men might and did Travel over all Parts of the Kingdom, with conſiderable Sums of Money unguarded and unconcealed

It were well if our *Engliſh* Non-conformiſts would look in this Glaſs, they would ſee their own pourtraict exactly, and may by timely conſideration avoid the ſame deſtiny.

“ If this happy poſture of Affairs, was undervalued, under the Notion of being but Temporal Bleſſings; and the want of Freedom be alledged, as to the Exerciſe of the *Romiſh* Religion, to which that Nation was generally addicted, it cannot be denied, but that though by the Laws and Conſtitutions of that Kingdom, the Power and Authority of the Biſhop of *Rome* is not in any degree allowed or ſubmitted to by the Government; yet, by connivance, the whole Catholique Body of that Nation, enjoyed an undiſturbed Exerciſe of that Religion; and even at *Dublin*, where the Seat of the King's chief Governour was, ſuch was the indulgence of Authority then towards them, that they went as uninterruptedly to their Devotions, as the Governor did to his; Biſhops, Prieſts, and all Degrees and Orders of the Secular and Regular Clergy, lived and exerciſed their Functions among them: And though there were ſome Laws againſt them ſtill in force, which the Neceſſity and Wiſdom of former Ages had cauſed to be Enacted to ſuppreſs thoſe acts of Treaſon and Rebellion, which that People frequently fell into, and the Policy of the preſent Times kept unrepealed, to prevent the like Diſtempers and Deſigns, yet the Edge of thoſe Laws was ſo totally rebated, by the Clemency and Compaſ-

Novem.
1641.

“ ſion of the King, that no Man could ſay he had ſuffered prejudiceor diſturbance
“ in, or for his Religion : which is another kind of indulgence,
“ then the Subjects profeſſing a faith contrary to that which is Eſtabliſhed
“ by the Laws of the Land, can boaſt of in any other Kingdom in the
“ World.

“ When in the Year 1640, they diſcerned ſome Diſtempers ariſing in
“ *England*, upon the *Scots* Invaſion, and perceived the Support and
“ Countenance that People then found in both Houſes of Parliament
“ in *England*, they would likewiſe bear a part, and bring in their Contribution
“ to the work in hand ; then they began to Tranſplant thoſe
“ dangerous humors of Jealouſies and Diſcontents, which they found
“ ſpringing up Seditiouſly in the Parliament at *Weſtminſter*, into *Ireland*;
“ and with the ſame Paſſion and Diſtemper, cheriſhed them in
“ the Parliament at *Dublin*: They fell to Accuſing upon general and
“ unreaſonable Imputations, the principal Councellors and Miniſters of
“ State, who were intruſted by the Crown in that Kingdom, impeaching
“ them of High Treaſon, and thereby according to the Rule unjuſtly
“ then preſcribed at *Weſtminſter* , they removed thoſe Perſons
“ from any Power in Publick Affairs there, whoſe wiſdom might probably
“ otherwiſe have prevented the miſchiefs which have ſince enſued.

“ Then did they moſt weakly and childiſhly concur with the greateſt
“ Enemies their Nation or Religion had, in the Conſpiracy againſt
“ the life of the Earl of *Strafford* Lord Lieutenant of that Kingdom, by
“ whoſe Wiſdom, and moſt prudent Government that Nation had
“ reaped great advantages, and was daily receiving greater, and ſent
“ a Committee from *Dublin* to *Weſtminſter* to join in the Proſecution
“ of him, and having in the end procured the miſerable, and never
“ enough lamented Ruin of that great Perſon, they powerfully oppoſed
“ and hindred the conferring of that charge, upon any of thoſe His
“ Majeſty had deſigned to undertake it, and at the laſt, by their repeated
“ importunities, they got it devolved into ſuch hands as were moſt
“ unlike to grapple with the difficulties which they were ſure to meet
“ with ; and having thus to their uttermoſt power fomented the diviſions
“ in *England*, and diſcountenanced and weakened the Regal
“ Power in *Ireland*, by raiſing the ſame Factions againſt it there, on
“ the ſudden upon the 23*d*. day of *October* 1641, without the leaſt pretence
“ of Quarrel, or Hoſtility, ſo much as apprehended by the Proteſtants,
“ great multitudes of *Iriſh Roman* Catholicks in the Province
“ of *Ulſter*, and ſhortly after in other Provinces, and parts of the Kingdom
“ Tumultuouſly aſſembled together, put themſelves in Arms, ſeiſed
“ upon the Forts, Caſtles, Towns and Houſes belonging to the Proteſtants,
“ which by their force they could poſſeſs themſelves of, and
“ with moſt Barbarous Circumſtances of Cruelty, within the ſpace of
“ a few days, murthered an incredible number of Proteſtants, Men,
“ Women and Children promiſcuouſly, and without diſtinction of Age
“ or Sex ; and of all thoſe who were within the reach of their Power,
“ they who eſcaped beſt were robbed of all that they had, to their
“ very skins, and ſo turned naked to indure the ſharpneſs of that Seaſon,
“ and by that means, and for want of Relief many thouſands of
“ them periſhed by hunger and cold ; the Deſign which was at the
“ ſame time laid for the ſurpriſe of the Caſtle of *Dublin*, the Reſidence
“ of the King's chief Governors, and His Majeſties principal Magazine

“of Arms and Ammunition, wherewith it was then plentifully ſtored, being diſcovered by a perſon truſted, and thereby diſappointed, that place was left ſingly to conſult of the beſt means to oppoſe the Torrent, which was like to overwhelm the whole Kingdom, and for a Refuge to the poor Proteſtants, who from all parts of the Kingdom flocked thither, Deſpoiled, Robbed, and Stripped, with the ſad Relations of the moſt inhumane Cruelties, and Murthers exerciſed upon their Friends, Kindred and Neighbours which have been ever heard of amongſt Chriſtians.

All the *Iriſh* not Guilty of the Rebellion.

“It is not, *adds he*, the purpoſe of this Diſcourſe to lay any imputations of this Rebellion and Savage Cruelty upon the whole *Iriſh* Nation, and all the Catholicks of that Kingdom, many Perſons of Honour, were never in the leaſt degree tainted with that Contagion, but on the contrary have always given as ſignal Teſtimonies of their Affection and Duty to the King, and of their deteſtation of that Odious and Bloody defection, as any of his Subjects of either of his other Kingdoms have done, whoſe memories muſt with equal juſtice and care be tranſmitted to Poſterity, as pretious Examples of Honour and Integrity; others there were who by the Paſſion and Rigour of thoſe who were then in Authority, and had power enough to deſtroy whom they had inclination to ſuſpect or accuſe, were driven to put themſelves into the Protection of thoſe, whoſe ways and courſes, they totally diſapproved and hated; and many who were by miſ-information and miſ-belief ingaged in the carrying on, and, poſſibly, contriving the War and Inſurrection, yet were mortally averſe to thoſe barbarous actions of Blood, Rapine and Inhumanity, which diſhonour even the moſt juſt and lawful War.

“One Circumſtance of unhappy and impious Policy muſt not be forgotten, by which the Bold Authors of that unnatural War, in the firſt entrance into it, promiſed to themſelves notable advantages; and which in truth, as moſt of the policies of that kind, brought unſpeakable miſery and devaſtation upon that Nation: for the better ſeducing the People, who, having lived ſo long in Peace and Amity with the *Engliſh*, were not without ſome Reverence to that Government, and ſo could not in plain and direct terms be eaſily led into an avowed Rebellion againſt their King, they not only declared, and with great skill and induſtry publiſhed throughout the Kingdom, that they took Arms for the King, and the Defence of his Lawful Prerogative, againſt the Puritanical Parliament of *England*, which they ſaid invaded it in many Parts, and that what they did was by His Majeſties Approbation and Authority: And to gain Credit to that Fiction, they produced and ſhewed a Commiſſion, to which they had faſtened an impreſſion of the Great Seal of *England*, which they had taken off from ſome Grant or Patent which had Regularly and Legally paſſed the Seal; and ſo it was not difficult to perſwade weak and unexperienced Perſons to believe that it was a true Seal, and real Commiſſion from the King: And by this Fatal Stratagem, they caſt ſo Odious an Imputation upon the King, and upon thoſe Perſons, who were worthily neareſt him in his Affection and Councils, that the Seditious Party in *England*, who were then contriving all the Miſchief, they afterwards brought to paſs, uſed all their Arts to propagate thoſe horrible Calumnies, and to infuſe into the Hearts of the People, an Irreverence and Jealouſy of the

The Rebels of *Ireland* counterfeit the King's Commiſſion and Great Seal, prejudicial to the King, but Ruinous to them.

Novemb. 1641.

“ the King, Queen, and thoſe of neareſt Truſt to either of them; ſo that his Majeſty was even compelled for his own Vindication, and leſt he might be thought too faint a Proſecutor of an Enemy, whoſe Inſurrection, it was ſaid, he himſelf had fomented, to commit the whole Management of that War, to the two Houſes of Parliament, and they having obtained this Power, Intereſſed and truſted ſuch Members of their own Body, with the Ordering and Directing of the ſame, as were reſolved with moſt Paſſion, Uncharitableneſs and Violence, to Proſecute that whole Nation, and the Religion that was moſt generally Exerciſed there; and by this means all Perſons, who were to conduct, both the Civil and Military Affairs in *Ireland*, were drawn to a Dependence upon the Two Houſes of Parliament at *Weſtminſter*; all Officers and Commanders for that War, were Nominated and approved by them; all Monies raiſed for that Service, was Iſſued and Diſpoſed only by their Orders: from whence it came to paſs, that they who craftily intended, to derive a Support and Countenance to themſelves, by uſing the King's Name to Purpoſes which he abhorred, fooliſhly thereby defrauded and deprived themſelves of that Protection and Mercy, which his Majeſty might have vouchſafed to them for their Reduction and Preſervation: for from this time, when any thing was propoſed of Extravagancy, or overmuch Rigor, which the Propoſers ſaid was neceſſary for the Carrying on of that War, or if the King made any Scruple or Pauſe in giving his Conſent to the ſame, they ſtraight declared, That they were obſtructed in ſending Relief to the Poor Proteſtants in *Ireland*, and then they publiſhed ſome particular Relations of the lamentable and inhumane Maſſacre made there by the *Iriſh*, which were confirmed by Multitudes of miſerable undone People, who landed from thence, in the ſeveral Parts of *England*; who likewiſe reported the Rebels Diſcourſe, of executing all their Villainies by the King's Direction; ſo that indeed, it was not in his Power to deny any thing, which they thought fit to ſay, was neceſſary to the good Work in Hand: Thus he was compelled to put all the Strong-Holds, Towns and Caſtles in the Province of *Ulſter*, into the Poſſeſſion of the *Scots*, (who were at that time, by the greateſt Managers, believed to be more worthy to be truſted then the *Engliſh*) with unuſual Circumſtances of Power, and even an independency upon the Lord Lieutenant of *Ireland*; and when his Majeſty did but deſire them, to re-conſider their own Propoſition, and reflect how much it might Trench upon the *Engliſh* Intereſt, they furiouſly Voted, That whoſoever Adviſed his Majeſty to that delay, was an Enemy to the Kingdom, and a Promoter of the Rebellion in *Ireland*: thus his Majeſty was neceſſitated to Conſent to that Bill, by which ſo great a Latitude was given to the diſpoſal of Lands, in the ſeveral Provinces of that Kingdom, to thoſe who adventured Mony in the War, as that without the Interpoſition, Shelter and Mercy of the Soveraign Power, almoſt that whole People, and their Fortunes were given up to the Diſpoſal of their moſt Cruel and Mortal Enemies; And laſtly, by this groundleſs and accurſed Calumny, thus raiſed upon the King, full Power was devolved into their Hands, who too much imitated the Fury and Inhumanity of the *Iriſh*, in carrying on the War, and proceeded with that Rigor and Cruelty in the ſhedding of Blood, as was moſt deteſted by his Majeſties Gracious and Merciful Diſpoſition.

Thus far this Excellent Author, whoſe Words thô not Exactly accommodated to the Period of Time, I have thought fit to inſert here, becauſe they give the Reader a Landſcape or ſhort Map, of all the Tragical Actions, which filled the Scene of *Ireland* with Blood and Deſolation, and will be of excellent Uſe, to the underſtanding of many future Paſſages in the Hiſtorical Account, both of that and our own Miſerable and Bleeding Nation.

Tueſday, Novem. 2.

Having given this Account of the beginning of the horrid Rebellion in *Ireland*, the Reader muſt expect the continuation of it, to be interwoven with the other great Affairs, which were the misfortune of the preſent, and will be the Wonder of all ſucceeding Ages; Let us therefore return to take a view of the Parliamentary Affairs.

Philips a Prieſt for inſolent behavior and language ſent to the Tower.

This Day *Robert Philips* a Prieſt, at the deſire of the Houſe of Commons, was brought to be ſworn at the Bar, being to be examined by the Lords Committees, touching Matters concerning the State; and hearing the Oath repeated to him, deſired the Directions of the Houſe, how far it was required of him to anſwer, alledging that the Oath was too General, and thereby he might be forced to confeſs againſt himſelf; But the Houſe reſolved him this Doubt, that he was but to anſwer as a Witneſs, to reveal what he knew, touching ſome Intended Treaſon. Upon this he offered to take the Oath, but preſently ſaid, That he was not to be bound by the ſaid Oath, becauſe the Bible upon which he was ſworn, was not a true Bible; which Words, he repeated a ſecond time, and then took the Oath: Hereupon the Lords commanded him to withdraw, and the Houſe taking this as an Affront and Scorn done to this Houſe, and a great Scandal to our Religion, and conſidering that the Words, which he ſpake were Voluntary, upon no Occaſion given him, the Houſe reſolved he ſhould for this time be brought to the Bar as a Delinquent, to hear, what Anſwer he would make to his Charge; who being brought to the Bar, as a Delinquent upon his Knees, the Lord Keeper told him, That the Houſe had a great Apprehenſion of the Affront ſhewed to this Houſe of Peers, and of the great Scorn and Scandal ſhewed to our Religion, in ſaying the Bible which is allowed by the Law, is not a true Bible; upon this, he made a Profeſſion, that he was a Catholick, and that all Catholicks held this Opinion, That our Bible, is not a true Bible; and if he ſhould have taken an Oath, without this Declaration, he ſhould have confirmed this to be a true Bible. This being ſuch an inſolent Carriage, in the Face of a Parliament, the ſaid *Robert Philips* was commanded to withdraw, and the Houſe taking it into ſerious Conſideration, thought it fit, that he ſhould have a Mark of the Diſpleaſure of the Houſe, for his Derogation of our Religion, and for the great Diſhonor done to the Peers; Hereupon it was Ordered, *That the ſaid* Robert Philips *be Committed to the* Tower *of* London, *there to remain until the Pleaſure of this Houſe be known.*

And becauſe the aforeſaid *Robert Philips*, is a Servant to the Queen, the Houſe thought it fit, that ſhe ſhould be acquainted with the Reaſons, why he was Committed; to this purpoſe, the Lord *Seymour* was appointed to attend her Majeſty, his Lordſhip obeyed the command of the Houſe herein, but deſired to have what he ſhould ſay from the Houſe in Writing.

L. Lieutenant of *Ireland* to ſend the Officers to their Commands in *Ireland*.

Ordered, *That the Lord Lieutenant of* Ireland, *take care that ſuch Perſons as are now in this Kingdom, and have Places of Truſt and Command in*

Ireland, *do ſpeedily repair thither to their ſeveral Charges for the defence of that Kingdom.*

A Select Committee of 26 Lords, and 52 Commoners was this day nominated by each Houſe, to conſider of the Affairs of *Ireland*, as alſo another Committee of 12 Lords, and 24 Commoners to go to the City, to borrow Fifty Thouſand Pound for the Aſſiſtance of *Ireland*.

Select Committee to conſider the Affairs of *Ireland*.

The Lord Chamberlain Reported the Marquiſs of *Hertford*'s Anſwer concerning the Prince, and he returns this Anſwer, *That he is ready to perform the Order of both Houſes, and he ſaies the Reaſon, why he waited not on the Prince at* Oatlands, *was, becauſe there was no room for him to lye there.*

Marqueſs of *Hertford*'s Anſwer concerning the Prince.

A Meſſage was ſent to the Commons by Sir *Robert Rich* and Sir *Edward Leech*, to deſire a Conference concerning what had been done, about the Prince and the Queen; as alſo concerning ſome Courſe to be taken for the providing of a Guard, to attend the Two Houſes of Parliament, which was accordingly had immediately in the Painted Chamber.

Conference for a Guard for the Parliament.

In the Houſe of Commons, they fell this day upon the abuſe of ſelling Protections, which was complained of by the Citizens, as a greater Grievance then all the Monopolies, and Mr. *Reynolds* reported the Caſe of Mr. *Benſon* a Member of the Commons Houſe, concerning ſeveral Protections granted by him to divers Men, that were not his Menial Servants.

Mr. *Reynolds* Reports the Caſe of Mr. *Benſon* about ſelling Protections.

(1) *That Mr.* Benſon, *who ſerveth for the Town of* Knaresborough *in the County of* York, *hath granted ſeveral Protections to ſeveral Perſons in* London, Middleſex, Nottinghamſhire, Dorſetſhire, Kent, Eſſex *and* Surrey. *All this did appear, by the Protections brought from the two Compters in* London: *he imployed* Preſton *his Servant, and another, his Son in Law, and as they made the Contract, ſometimes for* 40 s. 30 s. 20 s. *and ſometimes for* 17 s. *ſo he granted the ſame accordingly,* Preſton *being examined before the Committee, confeſſed his Maſter had granted twenty Protections, and that his Son in Law did write them, and uſually had ten Shillings for the ſame.*

Next one *Joſeph Smith* a Scrivener was Examined, who confeſſed, Preſton *in the beginning of the Parliament came to him, and deſired him, to write ſome Blank Protections, and accordingly, he writ 8 or 9. that afterwards* Preſton *came)* *to him, and ſhewed him two Protections Signed with Mr.* Benſon's *Hand, and that he knew it to be his Hand, and that he delivered thoſe Protections to one* Proctor *and* Hawkins, *the one gave* 16 s. *the other* 17 s. *for them; afterwards* Proctor *made uſe of his Protection againſt his Landlord, who repaired to Mr.* Benſon, *who ſaid, That as to himſelf it ſhould be of no Force. Afterwards Mr.* Benſon *granted a Protection to one* Sylveſter, *under his Hand and Seal, who gave* 40 s. *for it, and that Protection was produced at the Committee, and* Sylveſter *examined there, and Confeſſed he paid* 40 s. *for it. There were produced Copies of divers other Protections, which were entred at the two Compters, that all People might take Notice thereof. Mr.* Benſon *being deſired by the Committee, to make Anſwer to thoſe Matters, ſaid he could not charge his Memory with the certain number, but confeſſed, he had granted many Protections, and that he conceived, it was his Priviledg, as a Member of the Houſe of Commons, to do ſo.*

Upon the whole Matter, the Committee would deliver no Opinion, becauſe it concerned a Member of the Houſe, but commanded the Report to be made ſpecially, and to leave him to the Judgment of the Houſe. Whereupon it was

Votes againſt Mr. *Benſon* for ſelling Protections.

Reſolved upon the Queſtion,

That Mr. Hugh Benſon *is unworthy and unfit, to be a Member of this Houſe, and ſhall ſit no longer as a Member of this Houſe.*

Reſolved, &c.

That Mr. Hugh Benſon *ſhall be forthwith ſent for as a Delinquent, by the Serjeant at Arms attending on this Houſe.*

Captain of *Hurſt* Caſtle Summoned.

After which it was Ordered, *That the Lord* Gorge, *who is Governor of* Hurſt *Caſtle, be forthwith Summoned to appear here, to give an Account, why he ſuffered that Caſtle to go to decay.*

Reſident of *Florence* complains of his Houſe being broken, &c.

A Complaint was exhibited by the Reſident of *Florence*, againſt *May* and *Newton*, two Perſons imployed to apprehend Prieſts, for violently, contrary to the Law of Nations, breaking open his Doors, and taking and committing his Domeſtick Servants to Priſon. Whereupon it was Ordered, *That the ſaid* May *and* Newton, *be Summoned to give an Account of that Action, and that the ſaid Perſons Impriſoned be ſet at Liberty, the Reſident paſſing his Word for their forth-coming.*

Interrogatories for the further Examination of *Connelly.*

Then certain Interrogatories to be adminiſtred to *Owen O Connelly*, were read as follows.

(1) *What ground had you to Suſpect, that the Papiſts had any Deſign upon the State of* Ireland*?*

(2) *What have you heard any Prieſts, or others ſay concerning the promoting of the* Romiſh *Religion?*

(3) *What Diſcourſe have you had with* Hugh Ogh Mac-Mohan *concerning any ſuch Deſign in* Ireland*?*

(4) *Have you heard of any Deſign in* England *or* Scotland *of the like Nature, what is it you have heard? Declare your whole Knowledg.*

The Deſign of which Queſtions, as plainly appears by the very Words of them, were purpoſely, to draw out ſomething from him, which might give color to the pretended Calumnies againſt the King or Queen, or both of them, as being ſome way, or other concerned in promoting Popery, and the Rebellion in *Ireland*, as they had upon all Occaſions inſinuated the King to have been privy and Conſenting to the Deſign of bringing up the Army, and the Conſpiracy in *Scotland*, pretended againſt *Hamilton*, *Argyle* and others. And indeed the Faction laid hold upon all Occaſions, which were in the leaſt capable of an Improvement to the Defamation of his Majeſty, and to rob him of the Affections of his People, by whiſpering ſuch Surmiſes, as might beget and confirm thoſe uſeful Fears and Jealouſies of Popery and Arbitrary Power, which were to be the Engines, by which their wicked and miſchievous Deſigns were to be effected and accompliſhed.

The Report of the Conference about the Prince and Queen.

After this Sir *Thomas Widdrington* Reports further of the Conference, concerning the Prince and Queen, *That the Earl of* Holland *ſaid he had, according to the Commands of both Houſes, waited upon her Majeſty, and preſented her with the Reaſons of both Houſes, why they deſired that the Prince ſhould reſide at* Richmond.

(1.) *Becauſe that he loſt much opportunity in improving himſelf in his Learning and Study by being at* Oatlands.

(2.) *Next, though the Parliament doth not think her Majeſty would intimate any thing to him concerning her Religion, yet there were many about her which might prepare him with thoſe impreſſions in his Religion which might ſit upon him many Years after.*

(3.) *That in this time ſo full of danger, (for we hear of new Treaſons every day) that the Prince might be more Secure, and yet his Lordſhip ſaid he acquainted the Queen, That it was not the Intentions of the Two Houſes of Parliament, that the Prince ſhould not at all wait upon her Majeſty, but might come, when her Majeſty was deſirous to ſee him, but yet that his place of Reſidence might be at* Richmond, *for otherwiſe his Governor could not take that Charge over Him as was required by the Parliament, nor be anſwerable for ſuch Servants as were about him. His Lordſhip was pleaſed further to ſay, That Her Majeſty gave this Anſwer,*

The Queens Anſwer.

THat She gave the Parliament Thanks for their Care of her Son; the Occaſion wherefore Her Majeſty ſent for him, was to Celebrate the Birth-Day of one of his Siſters, but that the Prince ſhould be preſently ſent back to Richmond; *And Her Majeſty ſaid, She did make no doubt, but upon the King's Return, the Parliament will Expreſs the like Care both of the Kings Honor and Safety.*

Mr. *Whitlock* further Reported, *That the Lord Chamberlain ſaid at the Conference, That he had taken care for a Guard; That many of them complained of ſtanding upon their Guard 24 Hours, without Relief, and ſome of the Captains neglect to come, and that therefore Order ſhould be taken therein.*

Wedneſday, Novemb. 3. A Meſſage from the Commons about Phillips the Prieſt.

A Meſſage was brought from the Houſe of Commons by *Arthur Goodwin* Eſquire, to let their Lordſhips know, *That he was Commanded to give their Lordſhips Thanks from the Houſe of Commons, for their Care and Honour of Religion in committing* Robert Phillips *the Prieſt unto the* Tower, *deſiring that he may not be releaſed from his Impriſonment, without they be made acquainted with it; and that their Lordſhips would give Directions that none may ſpeak with him at the* Tower, *but in the preſence of ſome of the Keepers.* Whereupon the Lords made an Order accordingly.

The Report about Borrowing 50000 l. of the City.

The Lord Privy Seal Reported, *That Yeſterday the Committees of both Houſes in the Name of the Parliament, went to the City to propound the Borrowing of 50000 l. for the* Iriſh *Affairs.*

He ſaid, *They gave the City a full relation of the State and Condition of* Ireland *now is in, it being the Caſe of Religion; That they were much moved at the Relation; and the Committees then told the Three Wants which the Council of* Ireland *deſires to be ſpeedily furniſhed with, or elſe that Kingdom will be in danger to be loſt, which are Men, Arms and Money.* His Lordſhip ſaid *the Committee told them the Parliament required nothing of them, but the Loan of Money, which ſhould be Secured to them by Act of Parliament with advantage to themſelves with Intereſt. Upon this the Major and Aldermen with the Common Council preſently retired to conſult among themſelves till it was very late, and ſo the Committees left them.*

The next Morning the Recorder came to the Lords of the Councel at *Whitehall*, and declared, *That he had Command from the Major and Aldermen*

Novem. 1641.

dermen and Common Council of the City *to inform their Lordſhips, firſt by way of Proteſtation, That ſo great Sums of Money were drawn from them lately, that they were hardly able to Supply this Occaſion; Yet ſuch is their Zeal to this Cauſe, that they will do their beſt Endeavours therein.*

(2.) He delivered by way of Plea from the City, *That Protections were ſo frequent, that unleſs the Parliament did take ſome Courſe therein, they ſhall not be able to do the Parliament that Service they deſire in this kind, becauſe it decayes their Trading.*

Mr. Recorder further declared, *That the City had formerly lent* 50000 *l. upon the Requeſt of the Great Council at* York, *which was due the* 22$^{d.}$ *of* October *laſt, which yet is not paid, nor any Security given; therefore they deſired their Lordſhips to take the ſame into Conſideration, for they relied more upon their Lordſhips Honor, than their Security.*

He ſaid, *There was now ſuch a ſlighting of the Government of the City, that there is an Equality between the Mayor and the Commons, the Power of the Mayor no more then that of the Commoners of the City; they deſired but Countenance from their Lordſhips, and their Lordſhips ſhall have Service from them.*

The Recorder delivered this as their Anſwer, *That they had hearty and good Affection to the Cauſe, it being for Religion's ſake, the ſaving the Lives and Eſtates of Proteſtants, the ſaving of a Kingdom, and preſerving it to the dependency of this Crown, they would do their utmoſt Endeavours, but would not promiſe any thing before every man had conſulted with himſelf what he was able to do, which they promiſed to do ſpeedily, and he hoped to give a further account thereof this Night.*

The Commons Report about the ſame.

Mr. *Pierrepoint* alſo in the Commons Houſe made the Report about the ſame Propoſition, which becauſe it varies from the other in ſome particulars, I will inſert here as follows.

He ſaid, *That according to the Commands of the Houſe, ſeveral of the Committee went to the Lord Major and Common Councel, and delivered the Commands of this Houſe, how well this Houſe took the former Lending of Money; The Anſwer given us by Mr. Recorder was,*

(1) *That there were ſeveral Grievances they ſuffered under, as firſt, under the Protections which are granted, which did not only hinder their lending of Money, but did ſtop Trade. To that Sir* Henry Vane *did give them ſatisfaction, both of the Order lately made againſt Mr.* Benſon *for granting of Protections, and that this Houſe had committed to the Care of a Committee to draw a Bill to prevent the Inconveniences that happen thereby.*

Next Mr. Recorder propounded, That 50000 *l. heretofore lent to the Peerage of this Realm for the Publique Affairs, is not yet paid.*

Next the Common Council did find themſelves aggrieved by a diſreſpect ſhewn to the Lord Mayor, and the Magiſtrates of London, *by divers people who refuſe to give any Obedience to any Warrant to appear before the Lord Mayor, declaring they would not come; and particularly in the Caſe of providing of Money; and for their Loans of Money, they will take into conſideration, and give an Anſwer this Day, but the Security for the ſame is Expected to be by Act of Parliament.*

The Commons then entred upon the conſideration of the *Iriſh* affairs; and ſeveral Votes were paſſed in order to the Relief of that Kingdom, which were preſented to the Lords for their Concurrence; and which, to avoid unneceſſary repetitions, the Reader will find when they come before the Lords.

An Information againſt *Phillips* the Prieſt in the *Tower*.

An Information was brought to the Houſe by one *Richard Burch* a Warder, That there was great reſort to Father *Phillips* in the *Tower*; Whereupon it was Ordered, *That Sir* Gilbert Gerrard, *Sir* John Franklyn, *Sir* Thomas Barrington, *and Mr.* Laurence Whittacre, *do forthwith repair to the* Tower *to Examine all ſuch Strangers as they ſhall find there, of their Dwelling, and Buſineſs there, and to tender them the Oaths of Allegiance and Supremacy, and the Warders are hereby required to ſuffer none to come out of the* Tower, *till theſe Gentlemen are come forth again.*

Mr. *Maynard* Reported the Caſe of *Gatton* in *Surrey*.

Caſe of *Gatton* in *Surrey* upon Election of Members.

Mr. Owfield, *his Election to ſerve for that Place is ſettled; the difference reſteth between Mr.* Sandys *and Mr.* Sanders, *who are returned by two Indentures: Mr.* Sanders *hath for him* 14 *Voices; Mr.* Sandys *hath* 8 *Voices: but of the* 14 *Voices for Mr.* Sanders, 8 *of them are dwellers out of the Town, and one of them a Miniſter; yet all of them have Freehold in the Town; and of Mr.* Sandys 8 *Voices, one of them was a Recuſant Convict; another, the Clerk of the Pariſh, who receiveth Yearly Wages from the Pariſh; and then if theſe two ſhould be declared to have no Voices, their Voices are Equal; ſo the Queſtion in Debate was, Whether the Election belonged to the Burgeſſes by Common Right; or that the Free-holders dwelling out of the Town who had Freeholds in the Town, ought to have Voices by virtue of a Particular Preſcription?*

The Committee were of Opinion, That there was a Preſcription in this Caſe, which was good againſt a Common Right.

It appears by a Record 33 H. 8. *that a Return was made by one Inhabitant; And* 10 E. 6. & 6 E. 6. *Returns made by the Inhabitants and Burgeſſes.*

But 18 Jac. *a Preſident was ſhewn on the behalf of the Freeholders.*

And for the Parſon of the Pariſh, Whether he ſhall have a Voice that cannot Sit here if he were choſen; and next, whether by Law a Recuſant Convict ought to have a Voice; and thirdly, to receive the Judgment of the Houſe, whether one that receives Alms of the Pariſh ſhall have a Voice; and then whether the Clark of the Pariſh who receives 50 s. per annum *of the Pariſh, is one that lives of the Alms of the Pariſh. Theſe were doubts offered to the Committee in the debate of this Election.*

Upon the matter it was Reſolved,&c. *That there is no ſufficient proof of a Preſcription againſt the Common Right within the Burrough of* Gatton *in* Com. Surrey.

Reſolved,&c. *That the Pariſh Clark of the Burrough of* Gatton *does not appear upon the Evidence given to this Houſe, to be an Alms-man.*

Reſolved,&c. *That Mr.* Sanders *Election for the Burrough of* Gatton *is not good.*

Reſolved,&c. *That Mr.* Sandys *Election for the Burrough of* Gatton *is good.*

Reſolved,&c. *That Mr.* Sandys *is well Elected, and ought to Sit as a Member of this Houſe, upon the Election for the Burrough of* Gatton.

Thurſday, Novem. 4.

The Lord Keeper ſignified this Day, *That he had received a Letter from Mr. Secretary* Vane, *dated the* 28th *of* October *laſt from* Holy-Rood *Houſe, touching the Intelligence which his Majeſty had received in* Scotland, *concerning the Rebellion in* Ireland; *which is by his Majeſties*

Novemb. 1641.

The King Informed in *Scotland* of the *Iriſh* Rebellion, recommends it to the Care of the Parliament.

Command to be communicated to both Houſes of Parliament here, to whom he hath recommended the Care of thoſe Affairs, and Expects their Advice what Courſe is fitteſt to be taken for the reducing of that Kingdom. Likewiſe his Lordſhip ſaid he had *received Copies of other Letters which were ſent to his Majeſty out of the* North *Parts of* Ireland, *deſiring his Majeſty to ſend them ſpeedy Supplies for the Saving of that Kingdom.* All which were referred to the Committee for *Iriſh* Affairs.

Marqueſs of *Winton* has leave to ſell his Arms.

It was Ordered, That the Lord Marqueſs of Wincheſter *ſhall have liberty by vertue of this Order, to ſell off his Arms to ſuch Tradeſmen as will buy the ſame.*

Biſhop of *Lincoln* Reports the Votes about the *Iriſh* Affairs.

The Lord Biſhop of Lincoln *gave this Houſe an Account, what the Committees for* Iriſh *Affairs had conſidered of, and preſented ſome Votes and Orders of the Houſe of Commons, in which they deſire their Lordſhips to joyn with them,* which were read as follows.

Reſolved upon the Queſtion,

That the Houſe of Commons holds it fit, That 20000 *l. ſhall be forthwith ſupplyed for the preſent Occaſions of* Ireland, *out of the Moneys that are now in ready Caſh, or ſhall firſt come in.*

Reſolved, &c.

That a convenient number of Ships ſhall be provided for the Guarding of the Sea-Coaſts of Ireland.

Reſolved, &c.

That the Houſe of Commons holds it fit, that Six Thouſand Foot, and Two Thouſand Horſe ſhall be raiſed with all convenient ſpeed, for the preſent Expedition into Ireland.

Reſolved,&c.

That ſuch Officers ſhall be forthwith ſent over into Ireland *for the Commanding of Men there, as ſhall be thought fit by the Lord Lieutenant of* Ireland, *with the approbation of both Houſes of Parliament.*

Reſolved,&c.

That a Magazine of Victuals ſhall be forthwith provided at Weſt-Cheſter *to be ſent over to* Dublin, *as the Occaſion of that Kingdom ſhall require.*

Reſolved,&c.

That the Magazin of Arms, Ammunition and Powder at Carliſle *ſhall be forthwith ſent over to* Knockfergus *in* Ireland.

Reſolved,&c.

That in Briſtol *and* Weſt-Cheſter, *and one other Port in* Cumberland, *Magazines of Arms, Ammunition, Powder and Victuals ſhall be provided to be Tranſported into the next convenient Ports of* Ireland, *as the Occaſions of that Kingdom ſhall require.*

Reſolved,&c.

That all Arms, Ammunition and Powder in the Magazine at Hull, (*Except ſuch a proportion of Powder, Bullet and Match as ſhall be thought fit for Supply of the* Northern *Counties as Occaſion ſhall require*) *be Tranſported to the* Tower *of* London.

Reſolved,&c.

That a convenient Number of Engineers and Gunners ſhall be ſent into Ireland.

Reſolved,

Novemb.
1641.

Reſolved,&c.
That a Poſt ſhall be ſet up between Beaumariſh *and* Holy-head.

Reſolved, &c.
That it be referred to the Kings Councel to conſider of ſome fit way, and to preſent it to the Houſes, for a Publication to be made of Rewards to be given to ſuch as ſhall do Service in this Expedition into Ireland, *and for a Pardon of ſuch of the Rebels in* Ireland *as ſhall come in by a time limited, and of a Sum of Money to be appointed for a Reward to ſuch as ſhall bring in the Heads of ſuch principal Rebels as ſhall be nominated.*

Reſolved,&c.
That Letters ſhall be forthwith ſent to the Juſtices in Ireland,*to acquaint them how ſenſible this Houſe is of the Affairs in* Ireland, *and what Care they have taken for the Occaſion of* Ireland.

Reſolved,&c.
That the Houſe of Commons holds it fit that a Drum ſhall be forthwith beaten for the calling in of Volunteers for this Service for Ireland.

Ordered, *That Directions be given for the Drawing a Bill for the Preſſing of Men for this particular Service for* Ireland, *and Mr. Serjeant* Wild *is deſired to prepare a Bill for that purpoſe.*

Ordered, *That the* 11000 *l. in ready Caſh in the Chamber of* London, *ſhall be forthwith paid over to the Lord Lieutenant of* Ireland *for the preſent Occaſions of that Kingdom, and that the Commiſſioners and Treaſurers appointed in the Act, grant forth their Warrants and Orders accordingly.*

Ordered, *That the Officers and Cuſtomers of the ſeveral Ports of this Kingdom towards* Ireland, *do make diligent Search in all Trunks and other Carriages that come to be Tranſported from* England *to* Ireland, *that belong to any Papiſt or ſuſpected perſon, and particularly that thoſe Trunks ſent by* Exeter, *ſhall be ſtayed and ſearched.*

Ordered, *That the Committee for* Iriſh *Affairs of the Houſe of Commons, ſhall propound to the Committee of Lords to prepare Heads to be conſidered of, how, and in what manner this Kingdom ſhall make uſe of the Friendſhip and Aſſiſtance of* Scotland *in this buſineſ of* Ireland.

After this the Lord Biſhop of *Lincoln* acquainted the Houſe with a draught of a Declaration, to be ſent into *Ireland* to the Lords Juſtices, with a Letter from the *Speakers* of both Houſes of Parliament, which was read *in hæc verba.*

The Declaration.

The Declaration of the *Engliſh* Parliament about the *Iriſh* Rebellion.

T*He Lords and Commons in this preſent Parliament being advertized of the dangerous Conſpiracy and Rebellion in* Ireland, *by the treacherous and wicked Inſtigation of Romiſh Prieſts and Jeſuits, for the bloody Maſſacre and Deſtruction of all the Proteſtants living there, and other his Majeſties Loyal Subjects of* Engliſh *Blood, though of the Romiſh Religion, being antient Inhabitants within ſeveral Counties and Parts of that Realm, who have alwayes in former Rebellions given Teſtimony of their Fidelity to this Crown; and for the utter depriving of his Royal Majeſty and the Crown of* England *from the Government of that Kingdom, (under pretence of ſetting up the Popiſh Religion, have thereupon taken*

Novemb. 1641.

into their Serious Conſideration, how theſe Miſchievous Attempts might be moſt Speedily and Effectually prevented, wherein the Honour, Safety and Intereſt of this Kingdom are moſt nearly and fully concerned; Wherefore, they do hereby Declare, That they do intend to ſerve his Majeſty with their Lives and Fortunes for the Suppreſſing of this Wicked Rebellion in ſuch a way, as ſhall be thought moſt Effectual by the Wiſdom and Authority of Parliament. And thereupon have ordered and provided for a preſent Supply of Moneys, and raiſing the number of 6000 Foot and 2000 Horſe, to be ſent from England, *being the full proportion deſired by the Lords Juſtices and his Majeſties Councel Reſident in that Kingdom, with a Reſolution to add ſuch further Succours as the Neceſſity of thoſe Affairs ſhall require; They have alſo reſolved of providing Arms and Munition, not only for thoſe Men, but likewiſe for his Majeſties Faithful Subjects in that Kingdom, with Stores of Victuals and other Neceſſaries, as there ſhall be occaſion; and that theſe Proviſions may more conveniently be Tranſported thither, they have appointed Three ſeveral Ports of this Kingdom, that is to ſay,* Briſtol, Weſt-Cheſter, *and one other in* Cumberland, *where the Magazines, and Store-Houſes ſhall be kept for the Supply of the ſeveral Parts of* Ireland: *They have likewiſe Reſolved to be humble Mediators to his Majeſty, for the Encouragement of thoſe* Engliſh *or* Iriſh, *who ſhall upon their own Charges raiſe any number of Horſe or Foot, for his Service againſt the Rebels, that they ſhall be honourably rewarded with Lands of Inheritance in* Ireland *according to their Merits; and for the inducing the Rebels to repent of their wicked Attempts, they do hereby commend it to the Lord Lieutenant of* Ireland, *or in his abſence to the Lord Deputy or Lords Juſtices there, according to the Power of the Commiſſion granted them in that behalf, to beſtow his Majeſties Gracious Pardon, to all ſuch as within a Convenient time to be declared by the Lord Lieutenant, Lord Deputy, or Lords Juſtices and Councel of that Kingdom, ſhall return to their due Obedience, the greateſt part whereof they conceive have been ſeduced upon falſe Grounds, by cunning and ſubtile Practices, of ſome of the moſt malignant Rebels, Enemies to this State, and to the Reformed Religion, and likewiſe to beſtow ſuch Rewards as ſhall be thought fit and publiſhed by the Lord Lieutenant, Lord Deputy, or Lords Juſtices and Council, upon all thoſe who ſhall arreſt the perſons, or bring in the Heads of ſuch Traytors as ſhall be perſonally named in any Proclamation publiſhed by the State there; And they do hereby Exhort and Require all his Majeſties loving Subjects, both in this and that Kingdom, to remember their Duty and Conſcience to God and his Religion, and the great and Eminent Danger which will involve this whole Kingdom in General, and themſelves in Particular, if this abominable Treaſon be not timely ſuppreſſed; and therefore with all Readineſs, Bounty and Chearfulneſs, to confer their Aſſiſtance in their Perſons or Eſtates, to this ſo important and neceſſary a Service, for the Common Good of all.*

The Letter to be ſent along with this Declaration, was in theſe words:

The Letter from the Speakers of both Houſes, to the Lords Juſtices of *Ireland.*

My Lords Juſtices, and the reſt of his Majeſties Council of his Majeſties Kingdom of Ireland, *I have received a Command from the Lords Houſe in this preſent Parliament, to ſend unto you this incloſed Declaration of the Lords and Commons in Parliament, for the better Encouragement of his Majeſties Faithful Subjects, to unite and imploy themſelves*

ſelves in oppoſing and ſuppreſſing the Rebels of this and that Kingdom, the publiſhing whereof I am to commend to your Care and Wiſdom, and reſt, &c.

The Reſolutions being again read over, the Houſe conſented to them, and ordered the Lord Keeper to *take Care to ſee them ſent to* Ireland; *as alſo to ſend Copies of them to his Majeſty, that he may ſee the Care of his Parliament in his abſence, concerning the Affairs of* Ireland.

Order to ſtop the Poſts towards *Ireland.*

The Lord Admiral was alſo Ordered to give Command for the ſtoping of the Poſts towards *Ireland*, upon ſuch as are now going from *Flanders* into the Kingdom of *Ireland*.

Order to take Care to guard the City againſt Tumults.

It was alſo Ordered, *That the Lord Chamberlain of his Majeſties Houſehold, Captain General of the* South *Parts of this Kingdom, during his Majeſties being out of this Kingdom, ſhall give Order, to the Lord Mayor of the City of* London, *to ſafe guard the ſaid City as there ſhall be Cauſe, againſt all Tumults and Diſorders that ſhall happen in or about the ſaid City and the Liberties of the ſame, upon any occaſion whatſoever.*

In the Commons Houſe it was upon the Queſtion Reſolved, *That the Conference with the Lords ſhall be renewed, concerning the ſecuring of the Perſons of Papiſts.*

It was alſo Ordered, *That a Warrant be drawn to paſs both Houſes, to the Maſter of the Ordnance for the delivery of the Arms and Powder, and Ammunition at* Carliſle, *to the Lord Lieutenant of* Ireland, *or ſuch as he ſhall appoint.*

Friday, Novemb. 5.

This day the Lord Keeper ſignified to the Houſe of Lords, *That he had received a Letter from the Lord* Howard *at* Edenburgh, *dated the* 30*th of* October, 1641, which was commanded to be read, the Effect whereof was,

THat meeting with the Inſtructions of the Parliament beyond Anwick *in his return to* London, *his Lordſhip and Mr.* Fiennes *returned back again to* Edenburgh *to preſent them to his Majeſty, which having done, his Majeſty told them, That for the Buſineſs of* Barwick, *he hoped by this time the Parliament had received Satisfaction.*

Concerning the Rebellion in Ireland, *his Majeſty upon the firſt Notice thereof, moved the Parliament of* Scotland *to take this buſineſs into Conſideration, which accordingly they did, and appointed a Committee for this very purpoſe, which made Report, whereof a Copy is Encloſed, together with a Ratification thereof in Parliament, wherein they have teſtified their Affection and reſpect to this Kingdom.*

The Report of the Committee in the Parliament of Scotland, Rege præſente, 28 Octobris, 1641.

The Reſolutions of *Scottiſh* Parliament concerning the *Iriſh* Rebellion.

HIS Majeſty produced a Letter written to him by the Lord Viſcount Chicheſter, *anent ſome Commotions in* Ireland, *which was publiquely read in Audience of the Kings Majeſty and Parliament; And his Majeſty deſired that ſome may be appointed to think upon the Buſineſs, ſo far as may concern his Majeſty and the Kingdom. And the Eſtates nominated the Lord Chancellor, Lord General, Lord* Lothian, *Lord* Amond, *the Lardis of* Wedderburn, Kinhault, *and* Murthill, *the Commiſſioners of* Edinburgh, Glaſcow *and* Aire, *to think upon ſome Courſe neceſſary to be* *done anent the ſaid Letters, and what is incumbent to be done by this Kingdom thereupon, and Report again to the Parliament. To meet in the General his Houſe this Afternoon at two Hours.*

28 Octobris, 1641.

This Day in the Afternoon, the Committee above nominated, appointed for taking into Conſideration, the Report of the Commotions in Ireland, *being met in the Lord Generals Houſe, and having read the Letter, directed to the King's Majeſty, from the Lord* Chicheſter, *Dated at* Belfaſt *the* 24th *of* October 1641, *hath Conſidered, That his Majeſty, out of His Wiſdom, and Royal Care, of the Peace of His Kingdoms, hath already acquainted the Parliament of* England, *with the Intelligence from* Ireland, *and has ſent to* Ireland, *to know the certainty of the Commotions, and of the Affairs of that Combination, which till it be perfectly known, there can be no particular Courſe taken for Suppreſſing thereof, and the Kingdom of* Ireland, *being dependant upon the Crown and Kingdom of* England, *the* Engliſh *may conceive Jealouſies, and miſtake our Forwardneſs, when they ſhall hear of our Preparations, without thair Knowledg in this, whairin they are firſt and more properly concerned. And if the Inſurrections, be of that Importaince, as the* Britiſh *within* Ireland, *are not Powerful enough to Suppreſs it, without Aſſiſtance of greater Forces* * *nor thair Allies, and that his Majeſty, and Parliament of* England, *ſhall think our Aid neceſſary to joyn with thaim, We conceive, That the Aſſiſtance, which we can contribute may be in readineſs, as ſoon as* England, *and if after Reſolution taken by his Majeſty, with Advice of both Parliaments, it ſhall be found neceſſary, that we give our preſent Aſſiſtance, we ſhall go about it, with that ſpeed, which may Witneſs our dutiful Reſpects to his Majeſties Service, and our Affections to our Brethren, his Majeſties Loyal Subjects of* England *and* Ireland.

* *Scotiſh* for *than.*

29 Die Octob. 1641.

Read in Audience of his Majeſty, and Eſtates of Parliament, ad futuram rei memoriam, *as ane Teſtimony of their Affections to his Majeſties Service, and the Good of the Neighbor Kingdoms, and appoints thrie of the Baronis, and thrie Borrowis, to meet the Erle of* Eglingtowne, *at thrie Howris afternoon, to take to thair Conſideration, be way of Eſtimation or Conjecture, the Nombre of* Bottis, *or Lime* Faddis, *which in the Partis of this Kingdom, lying oppoſite to* Ireland, *may be had in readineſs, and what Nombre of Men may be Tranſported thairin, and to report again to the Parliament.*

Vera Copia.

Gibson.

An Information from *Cheſter* againſt two *Iriſh* Men.

After which was read, a Packet of Letters directed to the Lords in Parliament, ſent from the Maior of *Cheſter*, wherein was an Information upon Oath, taken by the Maior and Aldermen, of one *Thomas Cremer* of *Graies-Inn* Gent. Dated the 30*th* of *October* laſt, *That he meeting with a Gentleman, that calleth himſelf by the Name of* Magenes, *Brother to the Lord* Magenes, *at the Houſe of Widdow* Belſon *in* Weſton, *upon ſome Conference betwixt them, the ſaid* Magenes, *told the ſaid* Cremer, *that he was to go for* Ireland, *being lately come from* Spain, *to ſee my Lord* Mac-guire, *and that he was ſent for thither, and further ſaid,*

That

Novem.
1641.

That he hoped ere long, that the Iriſh *would drive out the* Scots *out of* Ireland, *and that there is a Buſineſs, that you would not think of. And ſaid to the ſaid* Cremer, *that he had returned* 8 *or* 900 l. *out of* London *into* Ireland, *to raiſe Forces for the King of* Spain. *And alſo ſaith, that there was one other in Company, of the ſaid* Magenes, *which called himſelf by the Name of* Readmond *Teſternight, in the Company of the ſaid* Cremer, *who drunk a health to the Confuſion of the Proteſtants in* Ireland, *and that the aforeſaid* Magenes *further ſaid, That ſince the Buſineſs was diſcovered, he would go to* London, *along with the ſaid* Cremer, *if he would lend him ſome Mony. And further* Cremer *ſaith, that the ſaid* Magenes, *hearing of the Rebellion in* Ireland, *ſaid, That he was very glad and joyful of the News, and that he liked very well of it, and that he would give any thing to be in* Ireland, *and did ſhew himſelf to be very angry, with the Maſter of the Ship, in which he intended to go for* Ireland, *for neglecting the Wind; ſaying, he might meet with him in* Ireland, *where a Man might be revenged on ſuch Fellows: but afterwards, the ſaid* Magenes, *hearing that my Lord* Macguire *was taken, ſeemed to be very ſorrowful, and ſaid to the ſaid* Cremer, *That ſince it is diſcovered, he would go to* London *along with him, if he would lend him ſome Money.*

Tho. Cowper, Major.
Will. Gamull,
Nich. Ivie, &c.

Tho. Cremer.

Whereupon it was Ordered, *That the ſaid* Arthur Magenes, *and* Readmond Comyn, *being now under reſtraint in the City of* Cheſter, *ſhall be forthwith brought in ſafe Cuſtody, by the Sheriffs of the ſaid City, and appear before the Lords in Parliament, to anſwer the aforeſaid Information, and then this Houſe will give ſuch further Order and Directions therein, as ſhall be agreeable to Juſtice.*

The Lord *Seymour* Reported to the Houſe, *That he had according to their Lordſhips Command, preſented the Meſſage from this Houſe, to the Queen, concerning* Robert Phillips, *and Her Majeſty returned this anſwer,* viz.

The Queens Anſwer concerning Father *Phillips.*

My Lords,

T*He Meſſage I received from you, by my Lord* Seymour, *I have taken into ſerious Conſideration, and do not a little wonder, that Father* Phillips *ſhould ſo much forget himſelf, as I find he hath done, by the Meſſage ſent unto me, which I am ſo far from approving, as I cannot, but be ſorry, he hath done it: I muſt acknowledg your Reſpects unto me, in giving Me Satisfaction of your Proceedings therein; if I did not believe, what is done by him, is out of Simplicity, I ſhould not ſpeak for him. You all know how near he is unto me, by that place which he holds, and if it ſhall appear unto you, that he hath not maliciouſly done any thing againſt the State, if for my Sake, you ſhall paſs by his preſent Offence, I ſhall take it as a further Teſtimony of your farther Reſpects unto me, which I ſhall be ready to acknowledg upon all Occaſions, that ſhall be offered.*

Whereupon it was Ordered to have a Conference, with the Houſe of Commons, to acquaint them with this Anſwer of the Queens.

This

Novemb.
1641.

Saturday, Novemb. 6.

This day an Ordinance of Parliament to give Power to the L. Lieutenant of *Ireland* to give Commiſſions, and to raiſe Men for *Ireland*, having been read yeſterday, and paſſed in the Commons Houſe, was alſo read and paſſed by the Lords as followeth, *viz.*

An Ordinance of Lords and Commons to enable the E. of *Leiceſter* to raiſe men for *Ireland*.

The Lords and Commons in Parliament, being very ſenſible of the great Danger and Combuſtion in Ireland, *by reaſon of the multitude of Rebels now in Arms for the deſtruction of His Majeſties Loyal Subjects there, and the withdrawing that Kingdom from the Allegiance of His Majeſty, and the Crown of* England; *and foraſmuch as in this time of His Majeſties abſence, his Royal Commiſſion cannot be ſo ſoon obtained, as the neceſſity of that Kingdom doth require; and for more ſpeedy oppoſing the wicked and Trayterous attempts of the Rebels there, and for that His Majeſty hath eſpecially recommended the care of the preſervation of that Kingdom unto both the Houſes of Parliament; do hereby Ordain and Authorize* Robert *Earl of* Leiceſter, *Lord Lieutenant of* Ireland, *by Warrant under his Hand and Seal, to give one or more Commiſſions, to ſuch Captains, Commanders, and other Officers, as to his Lordſhip ſhall ſeem Expedient, for the Levying of* 3500 *Foot, and* 600 *Horſe, by the beating of Drum, of ſuch Perſons as ſhall voluntarily undertake the ſame Service by accepting of Preſt-mony; which perſons are to be raiſed in ſuch ſeveral Parts of the Kingdom, as ſhall be moſt convenient for their paſſage into the Parts of* Ireland, *which his Lordſhip ſhall think moſt neceſſary to be forthwith ſupplied; and for the furniſhing of the ſame Men, as alſo of other of his Majeſties Subjects in that Kingdom, we have Ordained that the Earl of* Newport, *Maſter of His Majeſties Ordnance, ſhall deliver a number of Arms, Munition and Powder anſwerable, unto the ſaid Lord Lieutenant of* Ireland, *to be diſpoſed of as he ſhall think fit, for the beſt defence of that Kingdom; and for the Levying of the ſaid number of Men this Ordinance of Parliament ſhall be his ſufficient Warrant.*

The Ordinance to enable the Lord *Newport*, to deliver the Arms and Ammunition was alſo read and paſſed as the other, in theſe Words.

The Ordinance of the Lords and Commons to enable the Maſter of the Ordnance to deliver Arms, *&c.* to the Lieutenant of *Ireland*.

Foraſmuch as it is held moſt expedient and neceſſary for the ſafety of His Majeſties Kingdom of Ireland, *and his Loyal Subjects there, that ſuch numbers of Soldiers both Horſe and Foot as are forthwith to be raiſed for the defence of that Kingdom ſhould be ſupplied with Arms and other Munition, which by reaſon of his Majeſties abſence out of the Kingdom cannot be done by His Majeſties immediate Warrant, ſo ſpeedily as the imminent danger and neceſſity of that Kingdom doth require, and for that His Majeſty hath eſpecially recommended the Care of the Preſervation of that Kingdom unto both the Houſes of Parliament: It is Ordained by the Lords and Commons in Parliament, That* Mountjoy *Earl of* Newport, *Maſter of His Majeſties Ordnance, ſhall deliver to the Earl of* Leiceſter, *Lord Lieutenant of* Ireland, *or to ſuch other perſon or perſons as he ſhall appoint to receive the ſame, the full number of* 1000 *Arms for Horſe-men, and* 8000 *Arms for Foot, and the quantity of* 10 *Laſt of Powder, and ſuch other Munition, Tents and Proviſions of all ſorts as ſhall be needful for this Service, according to a Liſt to be agreed upon and allowed by the ſaid Lords and Commons hereunto annexed, out of His Majeſties Stores and Magazines in the Tower of* London, *the City of* Carliſle, *the Town of* Hull, *or elſewhere, and for ſo doing this ſhall be a ſufficient*

Novem. 1641.

ſicient Warrant, as well for his Lordſhip, as for any of his Deputies or Under-Officers in that behalf.

An Ordinance alſo for providing Shipping for Tranſportation of Men and Munition was read and paſſed *in hæc verba.*

The Ordinance of the Lords and Commons to impower the L. High Admiral to provide Shipping, *&c.*

WHereas by Order of Parliament, Men, Arms, Munition and other Proviſions are ſuddenly to be tranſported from ſeveral Ports in this Realm, viz. Briſtol, Cheſter, *and others, for which Service it will be requiſite that Ships be provided with all expedition; It is this day Ordered by the Lords and Commons in Parliament, that the Lord High Admiral of* England *be deſired to take care, that Ships be accordingly provided in the ſeveral Ports, reſpectively within this Kingdom, from whence the aforeſaid Men, Arms, Ammunition and other Proviſions are Ordered to be Tranſported into* Ireland, *which is to be done with all expedition, the Parliament having reſolved to ſee Moneys ſupplied for the performance of this Service.*

After this the Lord Keeper reported the Conference with the Houſe of Commons to this effect.

The Report of the Conference about *Capuchins*, &c.

That the Houſe of Commons have preſented to their Lordſhips ſome Propoſitions which have been Voted in their Houſe, and deſires their Lordſhips to take them into Conſideration, and join with them therein.

(1.) *Concerning the Diſſolving the Houſe of the Capuchins, and the ſpeedy ſending them away, according the former deſires of their Houſe.*

(2.) *That the Ambaſſadors may be ſent to from both Houſes to deliver up ſuch Prieſts of the King's Subjects as are in their Houſes.*

(3.) *That a Liſt may be brought in of the Queens Prieſts, and other her Servants, and that a Liſt may be likewiſe brought in of the Prince's, and other of the King's Childrens Servants.*

(4.) *That a Proclamation may iſſue for the Commanding that all Strangers, that are not of the Proteſtant Religion (except ſuch as are Men of Rank and Quality, and live here in ſuch a publick way, whereby notice is taken of them, and of the Cauſe of their aboad in this Kingdom, do deliver in Tickets of their Names, and an account of their ſtay here, within two days after the iſſuing forth of the Proclamation, or elſe depart the Kingdom forthwith: And likewiſe requiring that all Inn-keepers, or others, that entertain Lodgers to give Tickets of the Names of ſuch as lodge in their Houſes within two days likewiſe after the iſſuing forth of the ſaid Proclamation; and that theſe Tickets be given by thoſe in the City of* London *to the Lord Mayor and Aldermen of the Wards reſpectively where they reſide, and by thoſe of* Middleſex *and* Surrey, *and other Places within* 10 *Miles of* London, *to the Juſtices of the Peace next adjoining to the place of their Reſidence; and this Order to extend to the City of* London, *and Ten Miles about.*

(5.) *That the Houſe of Commons had preſented their Lordſhips with ſome* Scottiſh *Papers, being Examinations concerning the late Deſign againſt the Lord Marqueſs* Hamilton, *Earl of* Arguile, *and the Earl of* Lannerick. *Likewiſe, they produced written from their Committees at* Edinburgh, *Letters dated the* 27th *of* October, *with an encloſed Paper containing as follows,* viz.

Some Tranſactions between the *Engliſh* Committee at *Edinburgh* and the Scottiſh Parliament.

The Paper of the *5th* of *October*, Exhibited by the *Engliſh* Committee *October* the *7th*, 1641.

THE Committees of the Parliament of England *have now ſent down ſufficient Moneys for the Total Disbanding of the Garriſons of* Barwick *and* Carliſle, *and have Ordered, That it ſhall be Effected by the 10th of this preſent Month; And have likewiſe taken a Courſe for removing the Ammunition and Ordnance, and for ſlighting of the Works according to the Treaty. We deſire therefore, That, that part of the Army which is yet on foot, may be forthwith Disbanded, and that what new Fortifications have been made in* Scotland *by occaſion of the late Troubles, may be preſently demoliſhed according to the ſame Treaty.*

The Anſwer to the Paper delivered in, by the *Engliſh* Committees, to the Committee of the Army Exhibited 7. *Octobris*, 1641.

THat the Regiments which are yet on foot may be ſpeedily Disbanded, they are drawn (according to the Order already given) near towards Edenburgh, *to the Effect they may with greater Conveniency be Muſtered, and thereafter money may be given for their Pay, and forthwith disbanded. And any new Fortifications which have been made in* Scotland *by Occaſion of the late Troubles, ſhall preſently be demoliſhed, that every Condition on our part may to your full Satisfaction be performed according to the Treaty: And we do no wiſe doubt to find mutual performances, and that the Garriſons at* Barwick *and* Carliſle, *according to the Orders of the Parliament, be totally Disbanded; which being ſhewn to the Parliament of* England, *we hope will give them Satisfaction.*

22 October, 1641.

Produced by the Lord Chancellor and read in Audience of his Majeſty and the Parliament, who nominates the Lord Burgley *in place of the Earl of* Argyle, *to be upon the Committee for providing Money to pay the Regiments; And alſo Ordains, An Order to be given to the Lord General for cauſing the demoliſhing the Fortifications at* Mordington, *which was accordingly done.*

Alex. Gibſone.

(6.) *Concerning the putting the Cuſtody of the Iſle of* Wight *into another hand, as formerly was deſired.*

(7.) *Concerning the ſecuring of the perſons of Papiſts upon the former Propoſitions.*

(8.) *That the Earl of* Eſſex *may have Power from both Houſes to Command the Trained Bands on this ſide* Trent, *upon all Occaſions for the Defence of the Kingdom, and that this power may continue until the Parliament ſhall take further Order.*

This Report being Ended, the Houſe cauſed thoſe particulars to be diſtinctly read again, and gave theſe Reſolutions upon them:

Reſolved upon the Queſtion *Nemine Contradicente*,

That

Novemb. 1641.

The Votes of the Lords upon theſe Eight Propoſitions.

That the Houſe or Covent of Capuchins *here in* England *ſhall be diſſolved.*

Concerning the ſending of the Capuchins *out of the Kingdom, this Houſe will ſuſpend giving any Reſolution therein, until a Liſt of the Queens Prieſts and Servants is brought in.*

Reſolved upon the Queſtion,

That the Ambaſſadors be deſired from the Parliament, to diſmiſs out of their Houſes, ſuch Prieſts as are the Kings Native born Subjects; and in caſe they ſhall hereafter be found abroad, they ſhall not have any protection, but be proceeded in, according to the Laws of this Kingdom.

Reſolved, &c.

That the Lord Chamberlain of the Queen ſhall bring in a Liſt of the Queens Prieſts and Servants, and the Lord Chamberlain of his Majeſties Houſhold ſhall bring in a Liſt of the Names of the Servants belonging to the King, Prince, and the reſt of the King's Children.

(4.) *To the Fourth, It is Ordered, That this Houſe agrees to this Reſolution, but do refer the manner of iſſuing out the Proclamation until the Commiſſion given to the Lords of the Councel for iſſuing out Proclamations be peruſed.*

(6.) *Concerning the ſequeſtring of the Iſle of* Wight *into another Hand, this Houſe thought fit to return this Anſwer to the Houſe of Commons, That in regard they have offered no Reaſons for the ſame, their Lordſhips know not how to give an Anſwer; But when they ſhall ſhew their Lordſhips Reaſons for ſo doing, they will take the buſineſs into Conſideration.*

(7.) *Concerning the ſecuring the perſons of Recuſants, It is Ordered, To be debated on* Monday *Morning next.*

(8.) *Concerning the Earl of* Eſſex's *having Power over the Trained Bands, this Houſe defers their Reſolutions concerning it, until the Commiſſion of the Earl of* Eſſex *for Captain General of the* South *be brought into this Houſe and peruſed, which is to be done on* Munday *next.*

Connelly Ordered to have 500 l. paid preſently.

In the Commons Houſe, It was Ordered, *That whereas* Owen O Connelly *who diſcovered the Treaſon in* Ireland *had* 500 *l. appointed him in part of Recompence, that Sir* Robert Pye *and Mr.* Wheeler *the Treaſurers for the Poll-money of* Weſtminſter, *do forthwith pay unto the ſaid* Connelly *the ſaid* 500 *l.*

The greateſt part of the Morning was ſpent in preparing the Heads for the fore-mentioned Conference with the Lords.

But among all theſe great Affairs, which were before them, the Faction in the Houſe was ſtill at Leiſure, to fall upon the Loyal and Orthodox Clergy, againſt whom they had a moſt irreconcileable Animoſity.

Dr. *Fuller* Dean of *Ely*, ſent for as a Delinquent for his Sermons.

For upon a Complaint and Information given in to the Houſe by ſome of the Zealots without Doors, who made it a great part of their Religion, to Inform and Article againſt the Loyal and Orthodox Clergy, It was this day Ordered, *That Dr.* Fuller, *Dean of* Ely *ſhall be ſent for as a Delinquent, for divers dangerous, and ſcandalous matters delivered by him in ſeveral Sermons*: Thus did theſe perſons who would not permit the Clergy to intermeddle in Secular Affairs, boldly thruſt their Sickle into the harveſt of Spiritual Matters, though by the Confeſſion of One of their own Members, in a Speech he ſaith he intended to have ſpoken

Novemb. 1641.

as this day, to arraign the Order of the 8*th* of *September*, they were not *Idonei & Competentes Judices.*

This day it ſeems was fixed for the Debating the Validity of that Order; but by the intervening of other buſineſs, it was put off, and ſo lay *ſine die*: however I think it is not fit to let the Speech ſleep ſo too, which, it may be, was the beſt that Unfortunate Gentleman ever made, or intended to ſpeak in that place, where ſwimming down the rapid Torrent of General Accuſations, of Fears and Jealouſies, he ſo far loſt himſelf, that when he would have done ſomething to the ſtopping the Breaches in the Banks of the Government, which he had helped to cut, he found it, as many others did, out of his power to Effect, and was himſelf in danger of being preſently drowned in the Deluge, which he had helped to raiſe with the Wind of Popular breath. The Speech as I find it in his own Collections, *pag.* 37. was in theſe Words:

A Speech of Sir *Edward Deering*'s about the Order of the Commons, of *Sept.* 8. 1641.

Maſter Speaker,

Me thinks, I am now going, to Walk upon the Ridge of a Houſe, a dangerous Præcipice on either Hand. On the one ſide, I muſt take heed, that I ſpeak neither more nor leſs, than the inward Dictate of my own Conſcience: on the other Hand, I ſhall be afraid to preſume above your better Judgments. My Path is narrow: I muſt look to my Footing: *Dixi cuſtodiam vias meas*, &c. *I ſaid I will look to my Waies, that I Offend not in my Tongue.* Thus I preface, becauſe I foreknow, that I ſhall ſpeak to the diſlike of ſome Worthy Members of this Honorable Houſe.

Sir, Two Queſtions are before us: Firſt in General, how far an Order of this Houſe, is binding *de foris*; not upon our own Members here, but upon the People, the King's Subjects abroad. Secondly, the Validity, and Invalidity of your particular Order, of the Eighth, and Declaration of the ninth of *September* laſt.

For the Firſt, I am clear in this Opinion, That we may enforce any thing, that is undoubtedly grounded upon the Law of the Land: Shew me that Foundation, and I will concur with you, in any Reſolution. We may alſo declare againſt any Thing, that is introduced contrary to our Laws. Farther than this, I know no Way, unleſs it be by Bill: and then I know no Limitation, no Bound. Thus in brief for the General, I come now to your particular Order.

Maſter Speaker, I ſhall be afraid to arraign your Orders: I have already been Controlled, (not for doing ſo, but as if I had done ſo) yet (Sir) I have often heard it in this Houſe, that *We are Maſters of our own Orders*: and then (I think) we may in this Place arraign them, that is, Queſtion them, Try them, Approve, Alter, Reject or Condemn them. Was not our Proteſtation more ſacred than an Order? yet that was reviſed, and (to ſtop ſome Objections) new Senced by us. And I take it lawful in this Place, to arraign (if that be the Word) even an Act of Parliament, and then (*a fortiori*) an Order of this Houſe.

Surely (Sir) I ſhall ſpeak reverently of all your Orders, when I am abroad; I have done ſo of this. I am reſolved, that my Obedience, ſhall therein be found good, although my particular Reaſon, be rebellant to your Concluſions. This is my Duty abroad: but here in this Houſe, within theſe Walls, freedome is my Inheritance, and give me lieve (I pray) at this time, to uſe a part of my Birth-right.

The Seaſonableneſs, and the Equity of your Order, both are controverted. You all know, that this is a dangerous time to make any determinations in Matter of Religion: whether it be in the Doctrinal, or in the Practical Part of God's Worſhip. Men are (now adays) many of them more Wiſe, and ſome of them more Willfull, than in former Times. The uſe and caution is this: Let us take care, that what we do, we do with due and full Authority;

I would have nothing new (in this kind) but by Authority of the three Eſtates: and even then, Let us be wary that we Suit the Times with Applications proper and ſeaſonable.

Hear me with Patience, and refute me with Reaſon. Your Command is, That *all Corporal Bowing at the Name Jeſus ---- be henceforth forborn.*

I have often wiſhed, That we might decline theſe Dogmatical Reſolutions in Divinity: I ſay it again and again, That we are not *Idonei & comperentes judices* in doctrinal Determinations: The Theam we are now upon, is a ſad Point, I pray conſider ſeverely on it.

You know there is [a] *no other Name under Heaven given among Men, whereby we muſt be ſaved.* You know that this is *b a Name above every Name, c Oleum effuſum Nomen ejus*, it is the Carrol of his own Spouſe. This Name is by a Father ſtiled *Mel in ore, melos in aure, jubilum in Corde.* This, it is the ſweeteſt and the fulleſt of Comfort of all the Names and Attributes of God, *God my Savior.* If Chriſt were not our Jeſus, Heaven were then our Envy, which is now our bleſſed Hope.

b *Phil.* 2. 9.
c *Cantic.* 1. 3.

And muſt I, Sir, hereafter do no exterior Reverence; none at all, to God my Savior, at the mention of his ſaving Name *Jeſus?* why Sir, not to do it, to omit it, and to leave it undone, it is queſtionable; it is controvertible: it is at leaſt, a Moot Point in Divinity. But to deny it, to forbid it to be done: take heed, Sir, God will never own you, if you forbid his Honor. Truly Sir, it horrors me to think of this.

For my Part, I do humbly ask Pardon of this Houſe, and thereupon I take Leave and Liberty, to give you my reſolute Reſolution. I may, I muſt, I will do bodily Reverence unto my Savior, and that upon Occaſion, taken at the mention of his ſaving Name *Jeſus.* And if I ſhould do it alſo, as oft as the Name of *God*, or *Jehovah*, or *Chriſt* is named in our ſolemn Devotions, I do not know any Argument in Divinity to Control me.

Mr. *Speaker*, I ſhall never be frighted from this, with that fond, ſhallow Argument: Oh you make an *Idol of a Name.* I beſeech you Sir, paint me a Voice, make a ſound Viſible if you can: when you have taught mine Ears to ſee, and mine Eyes to hear, I may then perhaps, underſtand this Subtile Argument. In the mean time, reduce this dainty Species of new *Idolatry*, under its proper Head, (the ſecond Commandment) if you can. And if I find it there, I will fly from it *ultra Sauramatas*, any whither with you.

The Words are theſe, *Thou ſhalt not make to thy Self any graven Image, or any likeneſs of any thing (ullius rei) that is in Heaven--or in Earth--* Can you here find, the Name of God in this Deſcription of *Idolizing?* Surely Sir, my Savior is neither γλυπτὸν nor ὁμοίωμα of any thing there forbidden, nor εἴδωλον, neither *Sculptile*, nor *Simulachrum*, nor *Idolum.* All theſe are here, and none but theſe, and every of theſe doth ſignifie *Spectrum aliquod*, ſome viſible Object. And muſt do ſo, for to ſpeak properly, an *Idol* inviſible, is but imaginary *Non-Sence.* When you can bring the Object of one Sence, to fall under the Notion and Diſtinguiſhment of another Sence; ſo that the Eye, may as well ſee a Name or Sound, as the Ear can hear it: then a Name, may be the Object of Idolatry: till then, this Argument will be too Sublime for my Underſtanding.

God was neither in the *ſtrong and mighty Wind*, nor in the *Earthquake*, yet theſe hardly (if poſſibly) can be figured, but a *ſtill ſmall Voice*, this certainly is beyond the curious Art of Man to expreſs, and conſequently free from all poſſible Peril of Idolatry. And therefore thus in *Deut.* God doth Character himſelf. *Ye heard the Voice of the Words, but ſaw no Similitude, only ye heard a Voice.* As if he ſhould ſay, I know you prone unto Idolatry: *but now commit Idolatry to a Voice, to a Sound, to a Name if you can.*

Deut. 4. 12.

I am grieved to ſee that Wretched, Unlearned and Ungodly Pamphlet, aſcribed to Mr. *Burton*, with that daring Impious Title *Jeſu-Worſhip*, confuted: where by way of a ſcornful Sarcaſme, he is not afraid (as with a Nick-Name) to call Chriſtians *Jeſu-Worſhippers.*

I return, Mr. Speaker, this (as I ſaid) is a ſad Point in Divinity, to forbid exterior Worſhip unto God. Was it ever heard before, that any Men of any Religion, in any Age, did ever cut ſhort, and abridge any Worſhip, upon any Occaſion

Novem. 1641.

Occaſion to their God? Take heed Sir, and let us all take heed whither we are going If Chriſt be *Jeſus*, if *Jeſus* be God, all Reverence (*exterior as well as interior*) is too little for him. I hope we are not going up the back-Stairs to *Socinianiſme.*

In a Word, Sir, I ſhall never Obey your Order, ſo long as I have a Hand to lift up to Heaven, ſo long as I have an Eye to lift up to Heaven. *For theſe are Corporal Bowings, and my Saviour ſhall have them, at his Name Jeſus.*

Yet, Sir, before I end, give me lieve (I beſeech you) to take off that, which by miſtake, may elſe ſtick ſtill upon me. I never liked the Biſhoply Injunctions, in the late Novel Practices, nor the ſevere Inquiſition, upon the bare Omiſſion of this Poſture. The Biſhops did rigorouſly exact it: upon their own Heads, the Crime of that Enforcement lies. But (*I beſeech you*) let not us be guilty in the other extream. Truly to my Sence it will ſavor leſs of Piety, and more of Tyranny.

In the laſt Place, conſider (I pray) that it is a Point Dogmatical, not yet fully reſolved by Divines; Let us then be wary in it. And let this (with many other Points) be referred to a *National Synod.* For one we muſt have, or elſe we ſhall break our Religion into a thouſand Pieces.

For this preſent, my Motion is (as formerly) that this Order be ſuperſeded, by declaring to the Commons (as your Words in the Order are) that they do *quietly attend the Reformation intended*, and that in the mean time they do (as they ought) obey the Laws that are.

Monday, Novemb. 8. **Letter from the L. *Howard*, ſhewing the King's Diligence to Suppreſs the *Iriſh* Rebellion.**

A Letter was this Day read from the Lord *Howard* at *Edinburgh*, dated *Novemb.* 2d. 1641. directed to the Lord Keeper, declaring, *That the King had again moved the Parliament of* Scotland, *to take the Buſineſs of* Ireland *into further Conſideration, and though they will not do any thing in it, till they hear from the Parliament of* England, *Yet they have taken a ſurvey of what Shipping and Boats they have to Tranſport Men in, and what Number of Men they are able to ſend over if need be; and they find, that they are able to Land a conſiderable number of Men in the* North *of* Ireland, *and that with more ſpeed and leſs charge, then it can be done from any other part of the Kings Dominions, and their* Highlanders *are conceived proper to fight with the* Iriſh *in their own Kind and Country amongſt Hills and Boggs.*

An Information was given in by one Col. *Hunkes*, That two disbanded Troopers, *Moor*, and *Mac-Miller*, had liſted about 40 Men, who were lodged near the Iron Gate of the *Tower*, in St. *Katharines*, and that one *Bourk* an *Iriſh*-man of *Lincolns-Inn* paid them 14 *d. per diem*; that according to the Order of the Houſe he had taken care to diſarm them. Whereupon *Bourk* being ſent for and Examined, confeſſed that he was an *Iriſh-man* and a *Roman* Catholique; *That he did this to advance his Fortunes, being to Command them in the Service of the King of* Spain *againſt* Portugal; *That he received Money from the* Spaniſh *Ambaſſador to pay them, and that he did it upon the Order of the Houſe of Commons dated the* 26th *of* October *laſt, which gave Licence to Tranſport the diſbanded Soldiers.*

It appearing to the Lords, that the Order did Expreſly prohibit the Tranſporting of any of the Kings Subjects Natives of *England* or *Ireland*, *Bourk* was committed to the Cuſtody of the Gentleman Uſher during the Pleaſure of the Houſe; *Moor* and *Mac-Miller*, were for a former miſdemeanor in abuſing the Lord General, Sir *John Conyers*, and aſſaulting and ſending a Challenge to one Captain *Triſt*, committed before to *Newgate*.

Hereupon Order was ſent to the Conſtable of the *Tower*, to keep diligent Watch for the Safeguard of it. The Juſtices of the Peace for *Middleſex*, and the City of *Weſtminſter* were alſo Ordered, to make ſpeedy and diligent ſearch in and about the Suburbs of *London* and *Weſtminſter*, *What* Iriſh *are reſiding in their ſeveral Juriſdictions, and to cauſe their Names to be taken, and return them into this Houſe, and to cauſe ſtrong and good Guards to be ſet upon ſuch as they find to be dangerous and ſuſpected Perſons, untill the pleaſure of this Houſe be further known.*

Directed,

To *William Roberts*, *John Hooker*, and *Thomas Shepherd*,
Juſtices of the Peace for *Middleſex*.

Council aſſigned to the Impeached Biſhops.

Upon the reading the Petition of the Biſhops that are Impeached, ſhewing, *That the Councel that was aſſigned them by this Houſe refuſe to be of Council for them, becauſe they being Commoners are involved in all the Acts and Votes of the Houſe of Commons,* Hereupon it was Ordered, *That Serjeant* Jermin, *Mr.* Hern, *Mr.* Chute, *and Mr.* Hales, *be ſent for to give their Anſwers herein.*

Order of the Lords to expel all Romiſh Recuſants out of the Inns of Court and Chancery.

It was alſo this day Ordered by the Lords in Parliament, *That the Treaſurers, Recorders, Readers, and Benchers of the Societies of the four Inns of Court, ſhall make or cauſe to be made diligent Search and Examination, whether there be any Recuſants of any Nation whatſoever, admitted into their ſeveral Houſes, or into the Inns of Chancery belonging thereunto, or live within the ſame Houſes: And if upon ſearch any ſhall be found, that they be forthwith diſmiſſed, and expelled out of the ſaid Houſes. And it is further Ordered, That no* Romiſh *Recuſant ſhall hereafter be admitted into any the ſaid Inns of Court, or Inns of Chancery, upon any pretences whatſoever.*

Directed,

To the *Treaſurers*, *Readers*, and *Benchers* of the Society of the *Inner-Temple*.

To the *Treaſurers*, &c. of the *Middle Temple*.

To the *Treaſurers*, &c. of *Grayes-Inn*.

To the *Treaſurers*, &c. of *Lincolns-Inn*.

Order of the Commons to tender the Oaths of Allegiance and Supremacy to *Iriſh* Recuſants and others in the Inns of Court.

In the Commons Houſe it was likewiſe Ordered, *That the Oaths of Allegiance and Supremacy ſhall be tendred to the* Iriſh *Gentlemen, and ſuch others as are ſuſpected for Recuſants, as are within the Inns of Court, that are Students there, and that the Lord Keeper ſhall be deſired to award a Commiſſion to that purpoſe, to the Benchers of the ſeveral Inns of Court reſpectively.*

Order of the Commons to Examine all *Iriſh* endeavouring to paſs over into *Ireland*.

It was alſo Ordered, *That all ſuſpected Perſons,* Iriſh *and others, that do endeavour to paſs over into* Ireland, *ſhall be Examined by the Mayor, or other Officers of the ſeveral Ports, where they endeavour to take Shipping, upon ſuch Inſtructions as they ſhall receive from this Houſe, and that the ſaid Officers do tender unto all ſuch perſons the Oaths of Allegiance and Supremacy, and to Convict ſuch according to Law.*

Novemb. 1641.

Chamberlain an Informer.

An Information was this day given in to the Commons againſt one Mr. *Carter*, a School-Maſter at *High-gate*, for words ſpoken by him, *Viz.* That Mr. *Carter* ſaid, *That they were mad that would read the Order of the Houſe of Commons of the 8th of* September, *concerning Innovations: And for the Proteſtation, there were none but fools had taken it.* Whereupon Mr. *Green*, who was alſo preſent, ſaid he had taken it; *Carter* replied, *It was for want of information, and he would maintain, that it was againſt Reaſon, Juſtice and Law; and whereas,* ſaid he, *it is to maintain the Priviledge of Parliament, no Juſtice of Peace, nor Conſtable, but had as much priviledge as they had*: And ſaid further, *That it was againſt the King and State*: I anſwered him, Are you wiſer than two Kingdoms, for the *Scots* have taken it likewiſe? *What do you talk,* ſaid he, *of a Company of Rebels and Raſcals? the Parliament hath diſhonoured the King and Kingdom, by making a Peace with them.* Upon which complaint it was Ordered, *That* Carter *ſhould immediately be taken into Cuſtody by the Sergeant at Arms.*

By which paſſage the Reader may plainly ſee the Genius of thoſe times, and of thoſe Men, who verified the ſaying of the Poet, *Nec Hoſpes ab Hoſpite tutus.* No perſon could in common diſcourſe have the freedom of converſation, but was in danger of theſe Zealous Informers, who made it their buſineſs, to run with informations to the Houſe of Commons, againſt ſuch as durſt oppoſe their Votes, and Arbitrary Orders.

Tueſday, Novemb. 9.

The Biſhops to anſwer their Impeachment upon *Friday, November* 12.

Serjeant *Jermin*, Mr. *Chute*, and Mr. *Hales* appeared this day before the Lords, and declared themſelves willing to be of Council with the Lords the Biſhops in the Impeachment brought up from the Houſe of Commons, as they were formerly aſſigned by the Houſe; Whereupon it was Ordered, *That the Biſhops that are impeached, ſhall put in their Anſwers to the ſaid Impeachment, on* Friday *Morning next, and that the Bill concerning the Biſhops Votes ſhall be deferred until then.*

Earl of *Leiceſter* ſcruples raiſing men without the Kings Commiſſion.

Upon report of the Lords Committees for the *Iriſh* Affairs, that the Earl of *Leiceſter* Lord Lieutenant of *Ireland*, making ſome ſcruple of raiſing Men to be imployed in the buſineſs of *Ireland* without the King's Commiſſion, and his Lordſhip deſiring to have the Authority of the Parliament for the ſame in the mean time: It is thought fit, and ſo Ordered by the Lords in Parliament, according to the Power given unto them by His Majeſty, mentioned in an Order dated the ſixth of *November*, 1641. *That the ſaid Lord Lieutenant ſhall have full power by virtue of this Order to Levy Men according to the Order given him from the Parliament, in the interim, until His Majeſty ſhall grant him a Commiſſion under the Great Seal of* England *for his Warrant for ſo doing.*

The Houſe of Commons did alſo take notice of the Doubt of the Earl, but notwithſtanding did reſolve and think fit that he ſhould proceed to raiſe men for the Service by Virtue of the Ordinance of Parliament.

A Council of War for the Affairs of *Ireland.*

It was alſo Ordered by the Lords and Commons, *That the Lord Viſcount* Wilmot, *Sir* John Conyers, *Sir* Jacob Aſhly, *Sir* Simon Harcourt, *Sir* John Heyden, *Sir* Foulk Hunks, *Sir* Thomas Glemham, *Sir* Robert King, *Colonel* Culpeper, *Colonel* Vavaſor, *Lieutenant Colonel* Ballard, *and Captain* Skippon *ſhall be Aſſiſtants, as a Council of War, to the Committees of both Houſes of Parliament, appointed for the Affairs of* Ireland;

and have full Power, by virtue of this Order, to meet and conſider of the preſent ſtate and condition of the ſaid Kingdom, and alſo of an Eſtabliſhment for the Army.

The Lords then entred upon the Conſideration of the Propoſition ſent from the Commons, concerning ſecuring the Perſons of Popiſh Recuſants; and after a long Debate, the Reſult was this, *That whereas the Houſe of Commons deſired, that the perſons of the* Romiſh *Recuſants, for the ſafety of the Kingdom might be ſecured, this Houſe doth conſent with them therein, and Orders, That the Laws of this Kingdom ſhall be put into Execution againſt them preſently.*

Lords agree with the Commons, to put the Laws againſt the Papiſts in Execution ſpeedily.

Upon the deſire of the Commons by Mr. *Pym*, it was Ordered by the Lords, *That the Foreign Letters from* France *and* Antwerp *be ſtopped, and peruſed by the Lords Committees for opening Letters; there being, as Mr.* Pym *ſaid, ground and intelligence, that thoſe Letters will diſcover ſome Root of the Rebellion in* Ireland.

Letters from *France* and *Antwerp* ſtopped.

The Declaration of the State of the Kingdom was alſo this day read, and it was moved that a Conſideration of theſe particulars might be added, and which is very uncommon, I find in the Margin of the Journal the Names of the Perſons which made the ſeveral Motions, which in regard it is to be ſuppoſed they did it *in futuram rei Memoriam*, that Poſterity might not hereafter be to ſeek for their Names, I will take care to tranſmit them down to future Ages; but whether they will have Statues Erected for the Achievement I cannot promiſe, unleſs it be of Infamy.

Moved, *That the laſt Expedition into* Germany.

J. C. but whether *Corbet* or *Clotworthy*, I cannot tell.

The Loans upon Privy Seals.

The Commiſſion of Exciſe might be added.

The Additional Explanation to the Petition of Right.

Palmer I ſuppoſe.

The Declaration ſet forth upon the Breach of both Parliaments.

Strode.

The Proclamation ſet forth, forbidding People ſo much as to talk of a Parliament.

Wingate.

Gun-Powder Monopoly, as it was a Project for the diſarming of the Kingdom.

J. C.

The deſtruction of Timber, eſpecially in the Forreſt of Dean *by Recuſants.*

Wilde.

The Entituling the King to the Lands between High-Water, and Low-Water mark.

J. C.

The abuſes of Purveyors and Salt-Petre men.

Whitlock.

The Commiſſion of Sewers *to be further Explained.*

Cromwel.

The Court of Wards.

Smyth.

The Juriſdiction of the Council of the Marches.
The Council Table, as they take Cognizance of Me & Te.
The Buying and Selling of Honours and Dignities.
The further Debate ordered to be reſumed to Morrow.

Novem.
1641.
Wedneſday,
Novem. 10.

The Lord Keeper Reported the Conference with the Commons Yeſterday, *That Mr.* Pym *delivered by Command divers Heads agreed upon by the Commons, which are Inſtructions to be ſent to the Commiſſioners of both Houſes now attending his Majeſty in* Scotland, *which they deſire their Lordſhips to joyn with them in.*

The Inſtructions were read *in hæc verba*:

Inſtructions to the Commiſſioners in *Scotland,* **Nov. 10th, 1641.**

(1.) Y*Ou ſhall humbly inform his Majeſty, That the Propoſitions made to the Parliament of* Scotland, *concerning their Aſſiſtance, for ſuppreſſing the Rebellion in* Ireland, *hath been fully conſidered and debated by both Houſes of Parliament here; and their Wiſe and Brotherly Expreſſions and Proceedings are apprehended and Entertained here by us, not only with Approbation but with Thankfulneſs; Wherefore we deſire that his Majeſty will be pleaſed, That You in the Name of the Lords and Commons of* England, *give publick Thanks to the States of the Parliament of* Scotland *for their Care and Readineſs to imploy the Forces of that Kingdom for the reducing the Rebellious Subjects of* Ireland *to their due Obedience to his Majeſty and the Crown of* England.

(2.) *You ſhall further make known to his Majeſty, That in the great and almoſt Univerſal Revolt of the Natives of* Ireland, *cheriſhed and fomented, (as we have Cauſe to doubt) by the Secret Practices and Encouragements of ſome Forreign States, ill-affected to the Crown, and that the* Northern *Parts of that Kingdom may with much more Eaſe and Speed be ſupplied from* Scotland, *than from* England, *We humbly deſire and beſeech his Majeſty to make Uſe of the Aſſiſtance of his Parliament, and Subjects of* Scotland, *for the preſent Relief of thoſe Parts of* Ireland, *which lie neareſt to them, according to the Treaty agreed upon, and confirmed in both Parliaments; and this Affectionate and Friendly Diſpoſition now lately Expreſsed, as is more particularly ſpecified in the 5th Article.*

(3.) *You ſhall preſent to His Majeſty, the Copy Encloſed of the* Declaration *which We have ſent into* Ireland, *for the Encouragement of his good Subjects there, and for the more ſpeedy and Effectual oppoſing of the Rebels; and in Execution and performance of our Expreſſions therein made of Zeal and Faithfulneſs to his Majeſties Service, We have already taken Care for 50000 l. to be preſently Borrowed and Secured by Parliament; We have likewiſe reſolved, to haſten the Earl of* Leiceſter, *Lord Lieutenant of* Ireland, *very ſpeedily to repair thither, and forthwith to raiſe a Convenient number of Horſe and Foot, for ſecuring* Dublin, *and the* Engliſh *Pale, with ſuch other Parts as remain in his Majeſties ſubjection, intending to ſecond them with a far greater Supply.*

(4.) *We have further Ordered and Directed, That his Majeſties Arms and Munition lying in the City of* Carliſle, *ſhall be Tranſported into the* North *Parts of* Ireland, *for the ſupply of* Carrick-fergus, *and other his Majeſties Forts and Garriſons there; and that a convenient Number of Men, ſhall be ſent from the* North *Parts of* England, *for the better Guard and Defence of thoſe Forts and Countries adjoyning, and that a large proportion of Arms and other Munition ſhall be ſpeedily conveyed out of his Majeſties Stores to* Weſt-Cheſter, *to be diſpoſed of according to the Direction*

Novem. 1641.

rection of the Lord Lieutenant of Ireland, *for arming the Men to be ſent from* England, *and ſuch other of his Majeſties Loyal Subjects as may be raiſed in* Ireland.

(5.) *And becauſe we underſtand, That the Rebels are like with great ſtrength to attempt the ruin and deſtruction of the* Brittiſh *Plantation in* Ulſter, *we humbly Adviſe his Majeſty, by the Council and Authority of his Parliament in* Scotland, *to provide, that one Regiment conſiſting if* 1000 *men, furniſh't and accompliſh't with all neceſſary Arms and Munition as ſhall ſeem beſt to their Great Wiſdoms and Experience, may with all poſſible ſpeed be Tranſported into* Ireland, *under the Command of ſome Worthy Perſon, well affected to the Reformed Religion, and the Peace of both Kingdoms, and well Enabled with Skill, Judgment and Reputation for ſuch an Employment; which Forces we deſire may be Quartered in thoſe* Northern *Parts for the Oppoſing the Rebels, and Comfort and Aſſiſtance of his Majeſties good Subjects there, with Inſtructions from his Majeſty and the Parliament of* Scotland, *that they ſhall upon all Occaſions, purſue and obſerve the Directions of the Lord Lieutenant, his Lieutenant General, or the Governor of* Ireland, *according to their Authority derived from his Majeſty and the Crown of* England.

(6.) *And as touching the Wages and other Charges needful, which this Aſſiſtance will require, We would have You in our Name, to beſeech His Majeſty to commend it to our Brethren the Eſtates of the Parliament of* Scotland, *to take it into their Care, on the behalf of His Majeſty and this Kingdom, to make ſuch agreements, with all the Commanders and Soldiers to be imployed, as they would do in the like Caſe for themſelves, and to let them know, For Our parts We do wholly rely upon their Honorable and Friendly dealing with us, and will take Care that Satisfaction be made accordingly.*

(7.) *You ſhall repreſent to his moſt Excellent Majeſty this our Humble and Faithful Declaration, that we cannot without much grief remember the great Miſeries, Burthens and Diſtempers, which have for divers Years afflicted all his Kingdoms and Dominions, and brought them to the laſt point of Ruine and Deſtruction; all which have iſſued from the Cunning, Falſe and Malicious Practices, of ſome of thoſe who have been admitted into very near Places of Council and Authority about him; who have been Favourers of Popery, Superſtition and Innovation, Subverters of Religion, Honor and Juſtice, Factors for promoting the Deſigns of Forreign Princes, and States; to the great and apparent danger of His Royal Perſon, Crown and Dignity, and of all his People; Authors of Falſe Scandals and Jealouſies betwixt his Majeſty and his Loyal Subjects, Enemies to the Peace, Union, and Confidence betwixt Him and his Parliament, which is the ſureſt Foundation of Proſperity and Greatneſs, to his Majeſty, and of Comfort and Hope to them; That by their Councils and Endeavours, thoſe great Sums which have been lately drawn from the People, have been either conſumed unprofitably, or in the maintenance of ſuch Deſigns, as have been Miſchievous and Deſtructive to the State; and whileſt we have been labouring to Support his Majeſty, to purge out the Corruptions, and reſtore the Decayes both of Church and State, others of their Faction and Party, have been contriving by Violence and Force to ſuppreſs the Liberty of Parliament, and indanger the Safety of thoſe who have oppoſed ſuch wicked and pernicious Courſes.*

Novem. 1641.

(8.) *That we have juſt Cauſe to believe, That thoſe Conſpiracies and Commotions in* Ireland, *are but the Effects of the ſame Councils; and if perſons of ſuch Aims and Conditions ſhall ſtill continue in Credit, Authority and Imployment, the great Aids which we ſhall be inforced to draw from his People for ſubduing the Rebellion in* Ireland, *will be applied to the Fomenting and Cheriſhing of it there, and Encouraging ſome ſuch like attempt by the Papiſts and ill-affected Subjects in* England, *and in the End, to the Subverſion of Religion, and deſtruction of his Loyal Subjects in both Kingdoms; And do therefore moſt humbly beſeech his Majeſty, to change thoſe Councils, from which ſuch ill Courſes have proceeded, and which have Cauſed ſo many Miſeries and Dangers, to himſelf and all his Dominions, and that he will be graciouſly pleaſed to imploy ſuch Councils and Miniſters, as ſhall be approved of by his Parliament who are his greateſt, and moſt Faithful Council, that ſo his People may with Courage and Confidence undergo the Charge and Hazard of this War, and by their Bounty and Faithful Endeavours, with Gods Bleſſing reſtore to his Majeſty and this Kingdom, that Honor, Peace, Safety and Proſperity, which they have Enjoyed in former times.*

And if herein his Majeſty ſhall not vouchſafe to condeſcend to our humble Supplication, although we ſhall always continue with Reverence and Faithfulneſs to his Perſon, and to his Crown, to perform thoſe Duties of Service and Obedience, to which by the Laws of God and this Kingdom, we are Obliged, Yet we ſhall be forced in diſcharge of the Truſt which we ow to the State, and to thoſe whom we repreſent, to Reſolve upon ſome ſuch way of defending Ireland *from the Rebels, as may concur to the Securing our ſelves from ſuch Miſchievous Councils and Deſigns, as have lately been, and ſtill are in practice, and agitation againſt us, as we have juſt cauſe to believe, and to commend thoſe Aids and Contributions which this great Neceſſity ſhall require, to the Cuſtody and Diſpoſing of ſuch Perſons of Honor and Fidelity as we have Cauſe to confide in.*

The Faction, as the Reader may before have obſerved, had upon all Occaſions, indeavoured to lay hold upon the Soveraign Power of the Sword, and indeed, nothing leſs could Protect them from their own Fears of a future Reckoning, which they were affraid they muſt make, if ever the King's Affairs came into a proſperous Condition, and ſetled Poſture. But certainly, next to the Execrable Rebellion in *Ireland*, it was one of the moſt barbarous Outrages, to a moſt Excellent Prince, whoſe Indulgence was his greateſt Crime, not only to charge him with the Fomenting, and in a manner, Contriving this moſt wicked Rebellion, as is evident, by theſe Venemous Reflections they intended to do; but to take this advantage of the Miſfortune of his Affairs, to wreſt from him, that little remainder of Power, and Regal Authority, which he had not hitherto diveſted himſelf of. But this was the Reſolution, of theſe Ingrateful and Ungenerous Subjects, whoſe unbounded Ambition, all the Streams of Royal Bounty, were not able to ſatisfie, ſo long as the King was the Fountain of them; and they were determined, to make uſe of his Majeſties extreme Neceſſity, as they had ever hitherto done, to advance their own wicked Intendments, and rather then fail of them, to raiſe a more deſperate Rebellion in *England*, inſtead of applying themſelves vigorouſly, as they were in Duty, Honor and Conſcience bound, to aſſiſt his Majeſty to ſuppreſs the other

ther in *Ireland:* and let their Pretences be never ſo glorious, for the Preſervation of the Reformed Religion and Intereſt, yet it is evident, that even from the very firſt Eruption of this Rebellion, they had a Deſign, to make their own Terms with the King, and to oblige him, under the Pretence of abandoning Evil Counſellors, to devolve the intire Truſt of the whole Nation, and conſequently his Crown and Dignity into their Hands, and to leave him only the vain ſhaddow of Sovereignty and Majeſty, and unleſs he would Conſent to this, they muſt, as they ſay, be obliged to take other Meaſures, for the ſecuring themſelves from ſuch miſchievous Councils and Deſigns, as have lately been in Practice and Agitation againſt them; and a little time diſcovered what ways thoſe were, for in Reality, this was no new Deſign, the crucifying Remonſtrance of the State of the Kingdom, had been long hewing, and theſe were but ſome Chips of that Block, only they were wanting a fit Occaſion, and this offering it ſelf, they were reſolved to lay faſt hold upon it. But in regard, though they had ſorely ſhaken and diſabled the third Eſtate of the Lords Spiritual in Parliament, by the repeated Batteries of Impeachments, and Bills to take away their Voices, yet there was a great Number of the Lords Temporal, whoſe unſtained Loyalty and Fidelity to the Crown, and Royal Intereſt, might prove dangerouſly Obſtructive to their wicked Intentions, they were reſolved, to attempt, to deceive as many of them as they could, by their popular Rhetorick, upon this Topique of the danger of evil Counſels and Counſellors, and if any proved refractory, or had Conſtitutions too ſtrongly amuletted with Loyalty againſt this inſinuating Poiſon, they had other more ſevere Methods of purging the Body Politick and Repreſentative, to be made uſe of upon Occaſion, as we ſhall ſee hereafter.

Upon this Subject of evil Councils and Counſellors, Mr. *Pym* the great Oracle of the Faction, took Occaſion at this laſt Conference, to diſplay his Talent in theſe Terms.

Mr. *Pym's* Speech at the Conference, concerning ill Councils, *November* 10.

HE ſaid, he was to ſpeak touching the ill Councils, which he laid down in theſe ſeveral Steps.

(1) Firſt, That the Dangers which come to the State by ill Councils, are the moſt pernitious of all others; and ſince it is uſual to compare Politick Bodies, with the Natural, the Natural Body is in danger divers Wayes; either by outward Violence, and that may be foreſeen and prevented, or elſe, by leſs appearing Maladies, which grow upon the Body, by Diſtempers of the Air, immoderate Exerciſe, Diet, *&c.* and when the Cauſes of the Diſeaſe are clear, the Remedy is eaſily applied, but Diſeaſes, which proceed from the inward Parts, as the Liver, the Heart, or the Brains, the more noble Parts, it is a hard thing to apply Cure to ſuch Diſeaſes.

Ill Councels they are of that Nature, for the Miſchiefs that come by evil Councel, corrupt the Vital Parts, and overthrow the Publick Government.

(2) * The ſecond Step is, That there have been lately, and ſtill are, ill Councils in this Kingdom, and about the King. (1) That there hath been lately, you will not doubt, when the main Courſe of the Government, hath been ſo imployed, as Popery thereby hath been maintained, the Laws ſubverted, and no diſtinguiſhing between Juſtice and Injuſtice: and that there is ſtill reaſon to doubt, is apparent by the Courſes taken to advance miſchievous Deſigns, but that his Majeſties Wiſdom and Goodneſs kept them from the Heart, though they were not kept out of the Court; ſo moſt Principal and miſchievous Deſigns, have been practiſed by ſuch, as had near Acceſs unto his Majeſty,

***If this had been applied to himſelf and his Faction, he never ſpoke more truth in his whole life.**

Majeſty, though not to his Heart; and the Apologiſts and Promoters of ill Counſels, are ſtill preferred.

(3) The third Step is, That the ill Counſels of this Time, are in their own Nature, more miſchievous, and more dangerous, then the ill Counſels of former Times; former Counſels, have been to pleaſe Kings in their Vices, * *from which our King is free*, and ſometimes for racking of the Prerogative, if it had gone no further, it had brought many Miſeries, but not Ruine and Deſtruction; but the ill Counſels of this Time, are deſtructive to Religion and Laws, by altering them both, therefore, more Miſchievous in their own Nature, then thoſe of former Times.

* A remarkable Teſtimony from an Enemy of the King's Innocence.

(4) The fourth Step is, That theſe ill Counſels, have proceeded from a Spirit and Inclination to Popery, and have had a Dependance on Popery, and all of them tend to it; the Religion of the Papiſts, is a Religion incompatible with any other Religion, deſtructive to all others, and doth not indure any thing that oppoſeth it: whoſoever doth withſtand their Religion, if they have Power they bring them to Ruin.

There are other Religions that are not right, but not ſo deſtructive as Popery is; for the Principles of Popery, are deſtructive to all States and Perſons that oppoſe it; with the Progreſs of this miſchievous Council, they provide Counſellors, fit Inſtruments and Organs, that may execute their own Deſigns, and to turn all Councils to their own Ends; and you find that now in *Ireland*, that thoſe Deſigns, that have been upon all the Three Kingdoms, do end in a War, for the maintenance of Popery in *Ireland*, and would do the like here, if they were able, they are ſo intentive, to turn all to their own Advantage.

(5) The fifth Step, That unleſs theſe ill Councils be changed, as long as they continue, it is impoſſible, that any Aſſiſtance, Aid or Advice that the Parliament can take to reform, will be effectual; for the Publick Orders and Laws are but dead, if not put in Execution; thoſe that are the Inſtruments of State they put things into Action; but if acted by Evil Men, and while theſe Counſels, are on foot, we can expect no good, it is like a Diſeaſe that turns Nutritives into Poyſon.

(6) The ſixth Step is, That this is the moſt proper time, to deſire of his Majeſty the Alteration and Change of the evil Counſellors, becauſe the Common-Wealth is brought into Diſtemper by them, and ſo exhauſted, that we can indure no longer.

Another Reaſon, why we cannot admit of them, is to ſhew our Love and Fidelity to the King, in great and extraordinary Contributions and Aids; when God doth imploy his Servants, he doth give ſome Promiſe, to rouſe up their Spirits, and we have reaſon now to expect the King's Grace in great abundance; this is the time, wherein the Subject is to ſave the Kingdom of *Ireland*, with the hazard of their Lives and Fortunes. And therefore expect from his Majeſty, in a more larger and bountiful Manner, then at other times; A time of great Agitation and Action, their State is ready by preparation to annoy us, and ill and falſe Councils at home, may quickly bring us to Ruin; as we have weakneſs at home, ſo we ought to decern the Actions abroad, where great Proviſions are made; and a careleſneſs and improvidence herein, when our Neighbours are ſo provided, and have ſuch great Fleets at Sea, as will open a Way to ſuddain Ruin and Deſtruction, before we can be prepared, and therefore now the fitteſt time to move the King.

(7) The ſeventh and laſt Step is, That this Alteration of Councils, will bring great Advantages to the King in his own Deſigns. In all our Actions, our Prayers to God ſhould be, that his Name ſhould be Glorified, ſo our Petitions to his Majeſty, ſhould bring Honor and Profit and Advantage to him, by a diſcouragement to the Rebels, a great part of their Confidence reſting in the Evil Counſels at home, as by the Examinations appeareth: it will be a great Encouragement to the King's good Subjects at home, who hazzard their Lives, and give Aid and Contribution, to have things governed for the Publick Good; it will make Men afraid, to prefer Servants to the King that are ill Counſellors, when they ſhall come to the Examination of the Parliament, for many times Servants are preferred to Princes, for advantage of Forreign States.

Novem. 1641.

This will put an Anſwer into the King's Mouth, againſt all Importunities, that he is to prefer none, but ſuch as will be approved on by Parliament, thoſe that are Honorable and moſt Ingenious, are apteſt to be troubled in this kind, and not to deny, therefore the King may Anſwer, he hath promiſed his Parliament, not to admit of any, but by Advice in Parliament, this will Anſwer them all.

Theſe are Domeſtick Advantages, but it will alſo make us fitter to enter into Union and Treaty with Foreign Nations and States, and to be made partakers of the Strength and Aſſiſtance of others; It will fortifie us againſt the Deſigns of Foreign Princes; there hath been common Council at *Rome* and in *Spain*, to reduce us to Popery; if good Counſel at Home, we ſhall be the better prepared, to preſerve Peace and Union, and better Reſpect from Abroad.

Laſtly, it will make us fit for any Noble Deſign Abroad.

Let us but turn the Tables, and imagine this Speech ſpoken by ſome Loyal Gentleman againſt Mr. *Pym* and his Confederates, and we ſhall find all thoſe miſchiefs and dangers from ill Counſels and Evil Counſellors, the Alteration of Religion, and Subverſion of Laws, the Encouragement of the *Iriſh* Rebellion, the Impoveriſhment of the Nation, the Loſs of Liberty and Property, the Ruin of the King and Kingdom, to be the Natural Effects of their Conſultations and Actions. But in Order to accompliſh their Wicked Deſigns, the People muſt be affrighted with the danger of approaching Popery, the preſent Government traduced with intentions of re-introducing it, and the King muſt be Wounded through the Sides of the moſt Faithful of his Friends; Theſe were the Popular Arts, by which, after they had by repeated Flatteries, Importunities and Promiſes, obtained from the King thoſe Fatal Conceſſions before mentioned, they purſued their Deſign, and by Arming thoſe People, whom they had deluded with the pretence of Religion, and hurrying them on into Actual Rebellion, they ſought by Violence to obtain that, which they could not do by Fraud and Flattery.

But to proceed; After this an Order was read in the Houſe of Lords made by the Houſe of Commons, Dated *Nov.* 9. 1641.

That an Ordinance of Parliament may paſs, to engage the Honor Credit and Authority of both Houſes of Parliament, for the ſecuring and repaying to the City, the 50000 l. *with Intereſt, deſired to be borrowed of them, for the Occaſions of* Ireland, *and that a proviſional Act, ſhall paſs with all Speed, for repayment of the ſaid Summ with Intereſt, within ſix Months*

Next an Ordinance of Parliament was read, concerning the *Iriſh* Affairs in, *hæc verba*, viz.

The Ordinance of Parliament prohibiting any *Iriſh* to paſs out of *England* without Licenſe, *&c.*

W*HEREAS there is juſt Cauſe to conceive, that diverſe ill Affected Perſons here being Natives or Inhabitants of* Ireland, *do intend to paſs over thither, to joyn with the Rebels: It is Ordained by the Lords and Commons in Parliament, that no* Iriſh *Man ſhall paſs out of any the Parts of this Kingdom, to return into* Ireland, *without ſpecial Licenſe of the Committees of both Houſes for* Iriſh *Affairs, or the Lords of his Majeſties moſt Honorable Privy Council, or of the Lord Lieutenant of* Ireland; *It is further Ordered, That no Arms, Munition or Powder ſhall be tranſported, without ſuch Licenſe as is aforeſaid. It is likewiſe Ordeined by the ſaid Lords and Commons, That whereas upon the peruſal of diverſe Letters, and other Intelligence here, there is juſt*

Cauſe to ſuſpect, that diverſe of his Majeſties Subjects in Ireland, *had ſome Hand in the Conſpiracy, and Rebellions of the* Iriſh. *That the Lord Lieutenant ſhall certifie from time to time, during his Aboad in* England, *into* Ireland *the Names of ſuch ſuſpected Perſons, and the the Grounds and Reaſons of the Suſpition, and that thereupon the Lords Juſtices of* Ireland, *and the reſt of his Majeſties Council there, ſhall enter into Examination of the ſaid Parties, and ſhall have Power to commit them to Priſon, till the Truth may be fully diſcovered, that ſo they may either be cleared, if they be Innocent, or if they be found Guilty, they may be proceeded againſt according to the Laws; And that this Ordinance of Parliament, ſhall be a ſufficient Warrant to the Lord Lieutenant, Lords Juſtices, and Council aforementioned.*

The Lord Admiral then acquainted the Houſe, *That he had Command and Directions from his Majeſty, to ſend ſome Ships, for the Guuarding of the* Iriſh *Coaſts, and alſo ſome Ships to keep the Narrow Seas; becauſe his Majeſty conceives, that the Rebellion from* Ireland *is fomented from abroad, and that they expect ſome Supply from Foreign Parts. And his Lordſhip deſires to have the Directions of the Parliament herein what to do: Whereupon it was ordered to have a Conference with the Commons about it.*

Divers Orders were read, which were made by the Houſe of Commons, concerning the *Iriſh* Affairs, to which they deſired their Lordſhips concurrence, that ſo they may be put in Execution.

Some Orders of the Houſe of Commons concerning the Affairs of *Ireland*.

That the Merchants, who have made the Propoſition to their Houſe of Tranſporting Spaniſh *Money in ſpecie into* Ireland, *for the preſent Occaſions of that Kingdom, ſhall have Liberty to Tranſport ſo much only as the Lords and Commons in Parliament ſhall from time to time give them Order and Direction for, paying it there as it paſſes by Proclamation: and that all Sums ſo Tranſported, ſhall be Regiſtred in the Cuſtom-Houſe, and that they ſhall bring Certificates, from the Ports where they ſhall land the ſaid Moneys, that they have landed ſo much there.*

(2.) *That Mr.* Henley *and Mr.* Hawkridge *are to pay to Sir* Adam Loftus 20000 l. *that is,* 6000 l. *upon ſight, and the other* 14000 l. *within* 14 *Dayes after that* 15000 l. *ſhall be paid here. And the ſaid Mr.* Henley *and Mr.* Hawkridge *are to receive* 10000 l. *in hand,* 5000 *more at Six dayes, and* 5000 l. *more at Two Months; And they are to have a Licenſe for the Tranſporting of* 20000 l. *of* Spaniſh *Money; And they are to have the Uſe of ſuch Shipping, as is appointed to Tranſport Money for the preſent Service in* Ireland; *And to make Entry of the ſaid Sum in the Cuſtom-Houſe here, and to bring Certificates from the Ports in* Ireland, *where they ſhall land the ſaid Money, that they have landed ſo much there.*

(3.) *The Commons deſire that Sir* Robert King *and Col.* Culpeper *may be added to thoſe that are appointed Aſſiſtants to the Committees for the* Iriſh *Affairs.*

(4.) *That the Servants belonging to the King, Queen, Prince, or to any of the Kings Children, may according to the Law take the Oaths of Supremacy and Allegiance.*

(5.) *That* Magenes *and* Redmond, *againſt whom the Mayor of* Cheſter *ſent up an Information, may be brought up to the Parliament ſeverally, and not permitted to ſpeak with one another, and that they may be Examined upon ſuch Interrogatories as ſhall be propounded by the Houſe of Commons. And that the reſt of the perſons that were in their Company and fled, may* *be purſued with Hue-and-Cry and apprehended, and ſuch* Iriſh-*Men that ſhall be ſtayed in the Ports, may be Examined upon ſuch Interrogatories as ſhall be preſented by the Houſe of Commons.*

(6.) *That their Lordſhips would give the Commons an Anſwer touching the Propoſition formerly brought up concerning the Iſſuing out of a Proclamation in* Ireland, *to recall ſuch Papiſts home here, as have within one Year laſt paſt gone into* Ireland, *Except the Earl of St.* Albans *and others, who live there upon their Ancient Inheritance.*

To all which Propoſitions the Lords Aſſented.

The Anſwer of the Lords to the Inſtructions to be ſent to the Commiſſioners in *Scotland.*

Then the Houſe of Lords took into Conſideration the Inſtructions which are to be ſent into *Scotland* to the Committees there, and the ſeveral Articles being read, the Houſe gave theſe Reſolutions as followeth.

To the Firſt Article the Houſe Aſſented, as alſo to the Second, Third and Fourth.

Reſolved upon the Queſtion by the major part,

That there ſhall go a thouſand Scots *out of* Scotland, *for the repreſſing of the Rebellion in* Ireland.

To the Sixth agreed to.

Ordered, *That the Debate of the Remanent Propoſitions ſhall be deferred until to Morrow.*

The Eſtabliſhment and Pay for a Guard for the Parliament.

In the Commons Houſe Mr. *Wheeler* made a Report from the Committee concerning the Guards of *Weſtminſter* and *Middleſex*: Whereupon it was Reſolved and Agreed, *That the Officers and Soldiers ſhall have Pay, according to the Liſt hereafter mentioned, that this Pay ſhall begin on* Monday *next; and for the time paſt, the Recompence is referred to the Conſideration of this Houſe.* The Watch began the 20th of *October.*

Reſolved, &c.

That for the Orderly payment of them, a Clerk ſhall be appointed, as well for the paying of them, as view of them, and to keep Rolls.

That this Pay ſhall be made out of the Poll-mony remaining in the Charge of the Treaſurers of Weſtminſter.

That the Deputy Lieutenants of the County of Middleſex, *ſhall bring in the Names of ſuch Perſons as they will compleat their Companies withal to the Committee, to be preſented to the Houſe.*

That in regard the Company of Weſtminſter *is very large, and the great increaſe of new Inhabitants and able Men to bear Arms, that the Deputy Lieutenants ſhall conſider ſome way how the ſame may be divided into two or more Companies, ſo as there may be Two hundred Men in each.*

To conſider of ſome way to puniſh Defaulters, and ſuch as are unruly.

That the Officers of the Four Neighbour Companies ſhall be treated withal, and out of thoſe to have a hundred Men, which may watch in turns.

	l.	s.	d.
The Pay for 100 *Men at* 12 *d.* per diem	05	00	00
1 *Captain*	00	08	00
1 *Lieutenant*	00	04	00
1 *Enſign*	00	02	06
2 *Sergeants* 18 *d.* per diem	00	03	00
2 *Drums*	00	02	00
Clerk 2 s. per diem	00	02	00
Total per diem	06	01	06

The Train Bands to have 18 d. per diem *ſo long as they Watch, and to begin on* Monday.

The Declaration or Remonſtrance of the State of the Kingdom was ſtill Hammering upon the Anvil, with all the ſecreſie imaginable, for the Clerk of the Commons Houſe was this day Ordered, not to give out any Copies of it.

But in the Debate it was moved, *That a Conſideration be had of adding to the Remonſtrance the Sermons Preach'd in divers places before the King, that the Subject had no Property in his Eſtate.*

The Prayer ſet forth by the Biſhops, wherein they call the Scots *Rebels.*

The Clergies Contribution before the Convocation.

The Impriſonment of the Aldermen of London.

By which the Reader may obſerve that all the Scandals and Untruths imaginable were amaſſed, and induſtriouſly ſought out, and collected, to render the King and his Government ſuſpected and hated, and to bring the Loyal Biſhops, and Orthodox Clergy into the utmoſt contempt and hatred among the People.

Thurſday, Novemb. 11. Letters from *Ireland.*

A Letter was this day read in the Lords Houſe, ſent from the Council in *Ireland* to the Lord Keeper, dated the 5*th* of *November*, ſhewing, *That the Proteſtants there will be utterly deſtroyed, and that Kingdom loſt from the Crown of* England, *if preſent ſupply of Men, Munition, and Money be not ſent them from hence.*

The Lord Lieutenant alſo preſented to the Houſe a Letter from them of the ſame Date, ſhewing, *That the Rebels there do proceed in their Rebellion, and have ſeized on the Houſes, Eſtates, and Perſons of divers Men and Women of good Quality, and have murdered many. That they are in ſeveral Parts of* Ireland *gathered, to the number of* 30000, *and threaten that they will not leave an* Engliſh *Proteſtant there; and that they will not lay down their Arms, until an Act of Parliament be paſs'd for freedom of their Religion. That the Council deſires, that they may be ſpeedily ſupplied with* 10000 *Men, and Arms, and* 100000 *l. in Money: And they offer it to their Lordſhips conſideration, whether it be not fit and convenient, that* Mac-guire, *and* Mac-Mahon *be ſent into* England, *for their better ſecurity.* Upon the reading of which Letters, it was agreed to have a Conference with the Houſe of Commons, and to communicate the Letters to them.

It was ſignified to the Lords, *That Mr.* O.Neal *being appointed to be Examined before the Deputed Lords, concerning ill Counſel which was given*

ven to the King's late Army in the North, he deſired before he was Examined of his ſuppoſed Crime, that he might have the Judgment of the Houſe of Lords, and the Reſolution of the Houſe of Commons, Whether the Act of Pacification and Oblivion do not interpoſe, and exempt him from being Queſtioned for the ſuppoſed Crime, whether it be Civil or Criminal? This he doth not plead as a Pardon, which would imply a Crime, which he is not guilty of, but as his own Senſe upon that Act.

An Explanation of the Extent of the Act of Pacification.

Hereupon the Act of Oblivion was read, and afterwards the Lords Commiſſioners, that were preſent, did averr, *That in their Treaty with the* Scots *Commiſſioners they never did intend the ſaid Act ſhould Extend further than to things paſt between the Two Kingdoms of* England *and* Scotland *in matters of Hoſtility, and things thereunto belonging; and not to things to come.*

For further Debate hereof, the Houſe was adjourned into a Committee during pleaſure; and the Houſe being Reſumed, it was Reſolved upon the Queſtion *Nemine Contradicente*,

The Houſe of Lords the Interpreters of Acts of Parliament in time of Parliament.

That it belongs to the Houſe of Peers by the Ancient Laws and Conſtitutions of this Kingdom, to interpret Acts of Parliament, in time of Parliament, in any Cauſe that ſhall be brought before them.

And it is likewiſe Ordered, *That Mr.* O Neal *ſhall be Examined by the Deputed Lords appointed for that purpoſe, notwithſtanding his Allegation.*

Riot in the Forreſt of *Windſor*.

Upon Information given this day to the Houſe, That certain perſons of *Egham* were apprehended by Order of this Houſe for killing the King's Deer, and committing Riots in the Forreſt of *Windſor*, and *Egham* Walk, and being in the cuſtody of the Meſſenger, were Reskued out of his hands by violence, by ſome of their Companions: Hereupon it is Ordered, *That a Warrant be ſent to the Sheriff of* Surrey *to aſſiſt the Meſſenger of this Houſe, for the apprehending the former Delinquents, and of ſuch perſons, that reſcued them out of the Meſſengers hands, and that they be brought before this Houſe, that they may receive puniſhment according to their deſerts.*

Theſe paſſages may ſeem too trifling to be inſerted into theſe Collections, but I thought it abſolutely neceſſary, that by theſe Inſolencies Poſterity might ſee how cheap and contemptible the Actions of this Parliament had made the King in the eſteem of the Common People, and how unfit it is for Loyal Subjects to ask, and for Princes ſometimes to part with things which ſeem little or indifferent, for ſuch it may be might be the Regulation of the Forreſts, which yet it is evident was the Occaſion of this Contemptuous Carriage of People of the loweſt Rank towards him, who ought to have been eſteemed their Dread Sovereign by the higheſt: But it was no wonder to ſee them follow the Example of their Superiors, who committed daily Riots upon the King's Prerogative and Reputation.

Lord Keeper Reports Conference about the Letters from *Ireland*.

But to proceed, The Lord Keeper reported the Conference with the Commons, *That he had acquainted them, that their Lordſhips had agreed to ſix of the Inſtructions for the Committees in* Scotland, *but the other being of great Conſideration, by reaſon of the preſſing Affairs of* Ireland, *they were forced to lay aſide till a more convenient time.*

(1) Then his Lordſhip reported, *That the Houſe of Commons, deſires the Letter read this Day, ſent from the Lords of the Council in* Ireland, *may be communicated to the City of* London, *to let them ſee the truth of the Affairs of* Ireland, *that ſo they may be the better ſtirred up*

Novem. 1641.

and induced to lend Mony for the preſent ſupply of the buſineſs of Ireland; *and to this purpoſe the Houſe of Commons will imploy ſome Members of their own.*

Which Propoſition this Houſe agreed to.

(2) *That in regard of the preſent urgent Occaſions of* Ireland, *the Houſe of Commons thinks it fit, the Six Thouſand Men, which both Houſes reſolved ſhould be ſent into* Ireland *out of* England, *ſhall be increaſed to the Number of Ten Thouſand Men, and Two Thouſand Horſe.*

Which the Lords alſo agreed to.

(3) *That the Houſe of Commons had voted to deſire the Aſſiſtance of our Brethren of* Scotland *againſt* Ireland *for* 10000 *Men, not preſently to be ſent, but at ſuch times, and in ſuch Manner, as ſhall be agreed upon, by Articles and Conditions of both Parliaments, according to future Occaſions.*

Whereupon it was Reſolved upon the Queſtion, &c.

That this Houſe ſhall deſire the Aid of our Brethren of Scotland, *for* 1000 Scots *for the preſent to be ſent over into* Ireland, *with an Intimation of a deſire of* 9000 *more to make up* 10000 *Men, if Occaſion be, according to ſuch Articles, as ſhall be agreed upon with the Parliament of* England.

The ſame things were Voted in the Commons Houſe, only concerning the *Scots* ſome little difference, *viz.* Reſolved, &c.

That this Houſe doth incline, to accept of the Offer of the Scots, *for ſending of Ten Thouſand Men into* Ireland, *under ſuch Conditions and upon ſuch Cautions, as ſhall be Honorable and Safe for this Kingdom.*

Reſolved, &c.

That unleſs the Scots *ſhall condeſcend to be commanded by the Government of* Engliſh *ſettled in* Ireland, *that there is no intention that any ſhould go at all.*

Dr. *Fuller* Dean of *Ely* Bailed.

The Dean of *Ely*, Dr. *Fuller*, was upon his Petition this day Ordered to be Bailed; and Colonel *Fitz Williams*, who for Tranſporting ſeveral Men into *France*, was in Cuſtody, was diſcharged of the Serjeant, and Ordered to attend the Houſe.

It will poſſibly by this time be expected that we ſhould take a Trip over the Sea, to ſee the Poſture and Condition of that deplorable Nation of *Ireland*, and the Progreſs of the Rebellion, of which every day produced ſome of *Job*'s amazed Meſſengers, bringing ill Tidings one upon the neck of another. And indeed not only every day, but almoſt every hour produced freſh intelligence of the greatneſs of the Conſpiracy, and the inhumane Cruelty of the Rebels, who Robbed, Stripped and Barbarouſly Murdered the Proteſtants, wherever they got them into their Power. The Lord *Blaney* himſelf brought the account of the ſurpriſal of his Houſe, Wife and Children by the Rebels in the County of *Monaghan*: An advertiſement came from Sir *Arthur Tyringham* of the taking of the *Newry*, and the poor *Engliſh* who eſcaped the fury of the Rebels, brought continual freſh Relations of the miſerable Condition of the Province of *Vlſter*, where the Rebellion firſt took its riſe.

Novemb. 1641.

The ſad Condition of *Ireland*, at the time of the Rebellion.

It may well be imagined that the conſternation at *Dublin* was extraordinary, occaſioned both by the true Accounts which daily arrived, and the falſe Rumors which upon ſuch occaſions a general Fear and Amazement is wont to produce; the City was weak and defenceleſs, and the Popiſh Party within it great and formidable, and the Rebellion now appeared without all doubt to be univerſal in all the Northern Parts, and it was dangerouſly to be ſuſpected, that this impetuous Torrent would not be contained within thoſe Bounds, but that the other Parts of the Kingdom would by their Example and Incouragement break all the Banks of Obedience and Loyalty; ſo that an univerſal Deluge of Rebellion was hourly expected. And to add to the misfortune, there was no Mony in the Exchequer to raiſe Men to oppoſe the Progreſs, or cruſh the firſt beginnings of the Conſpiracy, the veterane Army which was kept a foot was very inconſiderable, and diſperſed into ſeveral diſtant Quarters and Garriſons; and if they had been together, not much above 3000 Foot and Horſe; as appears by this following Liſt.

A Liſt of the Officers and Army in *Ireland*, when the Rebellion broek out.

A Liſt of his Majeſties Army in *Ireland*, 1641. before the Rebellion.

The Foot Companies conſiſting of 6 Officers, *viz.* Captain, Lieutenant, Enſign, Chyrurgeon, Sergeant, and Drum, and 44 Soldiers each Company, were under theſe following Commanders.

Lord Lieutenant's Guard,	45
Sir *Robert Farrar*,	44
Sir *Thomas Wharton*,	44
Sir *George St. George*,	44
Captain *Francis Butler*,	44
Lord *Docwra*,	44
Sir *Robert Steward*,	44
Lord Viſcount *Baltinglaſs*,	44
Captain *George Blunt*,	44
Sir *Frederick Hamilton*,	44
Sir *Lorenzo Cary*,	44
Sir *John Gifford*,	44
Sir *John Nettervile*,	44
Sir *Arthur Tyringham*,	44
Captain *Charles Price*,	44
Capt. *Thomas Games*,	44
Sir *John Borlaſe*,	44
Sir *Arthur Loftus*,	44
Lord *Eſmond*,	44
Sir *George Hamilton*,	44
Sir *William Stewart*,	44
Sir *John Sherlock*,	44
Captain *John Ogle*,	44
Sir *William St. Leger*,	44
Lord *Blaney*,	44
Lord Viſcount *Rannelagh*,	44
Sir *John Vaughan*,	44
Sir *Henry Tichbourn*,	44
Lord *Caſtle Stewart*,	44
Capt. *Chicheſter Forteſcue*,	44
Captain *John Barry*,	44
Capt. *Thomas Rockley*,	44
Capt. *Philip Wenman*,	44
Sir *Charles Coote*,	44
Sir *Francis Willoughby*,	44
Capt. *Robert Bailey*,	44
Capt. *William Billingſley*,	44
Lord *Lambert*,	44
Lord *Folliot*,	44
Captain *Robert Biron*,	44
Earl of *Clanricard*.	44

Theſe 41 Foot Companies contain

Officers, 246.
Soldiers, 2051. } In all, 2297.

The

Novemb.
1641.

The Horſe Troops conſiſting of Captain, Lieutenant, Cornet, and Horſemen.

The Lord Lieutenants,	108.	The Marqueſs of *Ormonds*,	107.
Earl of *Straffords*,	58.	Lord *Dillons*,	58.
Lord *Wilmots*,	58.	Sir *William St. Legers*,	58.
Lord Viſcount *Moors*,	58.	Lord Viſcount *Grandiſons*,	58.
L. Viſcount *Cromwel* of *Lecale*,	58.	Captain *Arthur Chicheſters*,	58.
Sir *George Wentworths*,	58.	Lord Viſcount *Conways*,	58.
Sir *Adam Loftus*,	58.		

Theſe 13 Troops contain

Officers, 42. } In all, } 943. } Horſe and Foot 3240.
Soldiers, 901.

A very inconſiderable Army, had they been altogether in a Body.

The only thing which was of conſiderable advantage, was, That the Magazines were well ſtored with Arms and Ammunition; For beſides ſeveral Pieces of Artillery, moſt of them fit for preſent Service,there was Arms for 10000 Men, 1500 Barrels of Powder, with Match and Ball proportionable in the Caſtle of *Dublin*; but this Store was owing to the Care and Prudence of the Wiſe thô Unfortunate Governor the late Earl of *Strafford*, whoſe Providence even after his Death became thus Serviceable towards the preſervation of that Kingdom.

Sir Francis Willoughby Governor of the Caſtle of *Dublin*.

However in this Extremity of Affairs, the Lords Juſtices and Council, ſet themſelves with all poſſible application,to provide againſt this threatning Tempeſt. And in the firſt place they Conſtituted Sir *Francis Willoughby* Governor of the Caſtle of *Dublin*, placing ſuch a Number of Men in Garriſon there as might be able to defend a Place of ſo great Importance as that then was, by reaſon of the Stores of Arms and Ammunition there depoſited, that from the ſurprizing of it, the Rebels had promiſed themſelves the greateſt advantages in their Wicked Enterprizes; and thô Providence had diſcovered and diſappointed that part of their Deſign, yet it might reaſonably be ſuſpected, that they would not give over that attempt, the accompliſhment of which, either by force or fraud, would of neceſſity ſo much facilitate all their other Intentions.

Letters ſent to the Nobility and Gentry to inform them of the diſcovery of the Plot.

Letters and Expreſſes were diſpatched unto the Preſidents of *Munſter* and *Connaght*, and to diverſe of the Principal Gentlemen in thoſe two Provinces; as alſo, to thoſe of the Province of *Lemſter*, giving them an Account of the Diſcovery of the Plot, that ſo they might ſtand upon their Guard, and take the beſt Meaſures they could for their own, and the Security of thoſe Countries, where they Inhabited; an Expreſs was ſent to the Earl of *Ormond*, then at his Houſe at *Carick*, with Letters to the ſame Effect; and alſo, to deſire his Lordſhip with all poſſible Expedition, to advance with his Troop of Horſe to *Dublin*. They ſent Commiſſions to the Lords Viſcounts of *Clandeboys*, and of *Ardes*, for Raiſing and Arming of the *Scots* in the Northern Parts; as alſo ſoon after to Sir *William Steward* and Sir *Robert Steward*, and ſeveral other Gentlemen of Quality in the North, which they were forced to ſend by Sea, the Rebels having cut off all intercourſe to thoſe Parts by Land.

The Letter to then Earl, now his Grace the Duke of *Ormond*, was as followeth.

After

Novemb. 1641.

A Letter from the Lords Juſtices and Council to the Earl of *Ormond* of the diſcovery of the Pot, *Oct.* 24. 1641.

AFter Our very hearty Commendations to your Lordſhip, by this Proclamation, your Lordſhip will find the Condition of Affairs here. Our haſte admits not long Diſcourſe upon this Subject, only we pray and require your Lordſhip, to give Order, that it be publiſhed there: We having alſo directed this Bearer, to leave one Proclamation, at every Market-Town in his Way thither, for the more ſpeedy Publication of the diſappointment of their Deſign.

In the weighty Conſultations now requiſite here, your Lordſhip's Preſence with us is ſo neceſſary, as we muſt pray and require you, to repair ſpeedily hither, where your ſtay ſhall not be longer, than of neceſſity ſhall be requiſite. And ſo We bid your Lordſhip very heartily Farewel; From his Majeſtie's Caſtle of Dublin 24 October 1641.

Your Lordſhips very loving Friends

The Plot was to Surprize all the Forts of the Kingdom, yeſterday at one Hour, and they have taken Caſtle *Blaney* and *Neury*, but yet we hear of no more. The Lord *Macguire*, Captain *Mac-Mahon*, and ſeveral others We have Committed to the Caſtle. Your Lordſhip is alſo required to bring your Horſe Troop hither.

Will. Parſons,
John Borlaſe,
Rob. Dillon,
Rob. Digby,
Ad. Loftus,
John Temple,
Fra. Willoughby,
Ja. Ware.
Rob. Meredith.

To our very good Lord, *James* Earl of *Ormond*, &c.

Upon which Summons, from the Lords Juſtices and Council, his Lordſhip did, with all the haſte and diligence imaginable, march with his Troop to *Dublin*, there to receive their Commands, and give Teſtimony of that Courage and ſteady Loyalty, which will for ever Record his Name in the Memoires of Time, for one of the moſt Celebrated Perſons of his Age; and indeed had the Lords Juſtices been willing, and able to have hearkned to his Lordſhips Motion at the Council Board, to put him immediately at the Head of any conſiderable Strength, he would in probability, by God's aſſiſtance, have made a ſhort diſpatch of that Rebellion; for it was ſome conſiderable time, before the Rebellion became Univerſal; or otherwiſe Captain *Byron*, with a ſingle Company of 50 Men, could not as he did, have by command from the Lord Juſtices and Council, have marched Safe, and wihtout diſturbance from *Toughall* to *Dublin*, which is above 80 Miles, nor was there any riſing about *Kilkenny*, till two Months after the firſt Eruption; but it is too evident, that as the ſupine careleſsneſs of ſome, did encourage the *Iriſh* to Rebel, ſo there were others in Power, who were ſo taken up with the Contemplation of Forfeitures, that they rather increaſed the Fuel, than took Care to ſuppreſs the Flame; ſo that it is no wonder, if his Lordſhips Motion was rejected, till it was too late.

However ſeveral Commiſſions were given out to diverſe Gentlemen, even of the Romiſh Religion, to raiſe Men to ſuppreſs the Rebellion.

The Commiſſions then given out, run in the Stile of Martial Law, which was thought no more than Requiſite, as appears by this following, which was given to the Lord *Gormanſtone*.

By

Novemb. 1641.

A Copy of the Commiſſions for ſuppreſſing the Rebellion in Ireland Nov. 1641.

By the Lords Juſtices and Council.

W. Parſons, John Borlaſe.

Right Truſty and Well-beloved, We greet you well. Whereas divers moſt Diſloyal and Malignant Perſons within this Kingdom, have Traiterouſly conſpired againſt His Majeſty, His Peace, Crown and Dignity; and many of them in Execution of their Conſpiracy, are Traiterouſly Aſſembled together in a warlike Manner, and have moſt inhumanly, made Deſtruction and Devaſtation of the Perſons and Eſtates, of divers of his Majeſties Good and Loyal Subjects of this Kingdom, and Taken, Slain and Impriſoned great Numbers of them. We, out of Our Care and Zeal for the Common Good, being deſirous by all means, to ſuppreſs the ſaid Treaſons and Traitors, and to conſerve the Perſons and Fortunes of His Majeſties Loving Subjects here in Safety; and to prevent the further Spoil and Devaſtation of his Majeſties Good People here, Do therefore hereby Require and Authorize you, to Levy, Raiſe and Aſſemble, all, every, or any the Forces, as well Footmen as Horſemen, within the County of Meath, *giving you hereby the Command in Chief of all the ſaid Forces, and hereby further Requiring and Authorizing you, as Commander of them in Chief, to Arm, Array, Divide, Diſtribute, Diſpoſe, Conduct, Lead, and Govern in Chief the ſaid Forces, according to your beſt Diſcretion; and with the ſaid Forces to Reſiſt, Purſue, Follow, Apprehend, and put to Death, Slay and Kill, as well by Battel, as other ways, all and ſingular the ſaid Conſpirators, Traitors and their Adherents, according to your Diſcretion; and according to your Conſcience and Diſcretion to proceed againſt them, or any of them, by Martial Law, by Hanging them, or any of them, till they be dead, according as it hath been accuſtomed in time of open Rebellion; and alſo to Take, Waſte and Spoil their, or any of their Caſtles, Holds, Forts, Houſes, Goods and Territories, or otherwiſe to Preſerve the Lives of them, or any of them, and to receive them into his Majeſties Favor and Mercy, and to forbear the Devaſtation of their, or any of their Caſtles, Forts, Houſes, Holds, Goods and Territories aforementioned, acccording to your Diſcretion. Further hereby Requiring and Authorizing you to Do, Execute and Perform, all and ſingular ſuch other things for Examination of Perſons ſuſpected, diſcovery of Traitors and their Adherents, parlying with, and granting Protections to them, or any of them, taking up of Carts, Carriages, and other Conveniences, ſending and retaining Eſpials, Victualling the ſaid Forces, and other things whatſoever conducing to the purpoſe aforementioned, as you in your Diſcretion ſhall think fit, and the neceſſity of the Service require; further hereby Requiring and Authorizing you, as Commander in Chief, to Conſtitute and Appoint ſuch Officers and Miniſters, reſpectively for the better Performance and Execution of all and ſingular the Premiſes, as you in your Diſcretion ſhall think fit. And We do hereby require and command, all and ſingular His Majeſties Sheriffs, Officers and Miniſters, and Loving Subjects, of and within the County of* Meath, *and the Borders thereof, upon their Faith and Allegiance to His Majeſty, and to his Crown, to be Aiding, Helping and Aſſiſting to you, in the Doing, and Executing of all and ſingular the Premiſes; This Our Commiſſion, to continue during Our Pleaſure only; and for the ſo doing, this ſhall be your ſufficient Warrant. Given at His Majeſties Caſtle of* Dublin, Novemb. 1641.

To Our very good Lo. *Nicholas* Vic. Com. *Gormanſtone.*

R. Dillon, Jo. Temple,
Ja. Ware, Rob. Meredith.

Immediately upon the ſetting out of the Proclamation of the 23 of *October*, divers Lords of the *Engliſh* Pale, came to *Dublin*, and there declared to the Lords Juſtices,and the Board,with ſevere Proteſtations, their great Loyalty and Affection to his Majeſty; and that they would with all readineſs aſſiſt their Lordſhips, in the ſuppreſſing of this Rebellion; but within two or three days, they returned with a Petition, wherein they offered they ſaid, the deep Senſe they had of an Expreſſion in that Proclamation, as if by the Words, evil affected *Iriſh* Papiſts, there being no Diſtinction, they might be miſinterpreted, ſo as to reflect upon them, as comprehended under thoſe general Terms. Whereupon the Lords Juſtices and Council, that they might clear this Point, and thereby ſecure themſelves of the Loyalty and Services of theſe Gentlemen, who as well as their Anceſtors, had upon former Occaſions, manifeſted great Loyalty to the Crown of *England*, therefore to remove all Scruples, put out this following Explanatory Proclamation.

By the Lords Juſtices and Council.

W. Parſons, John Borlaſe.

A Proclamation for the Satisfaction of the Lords and Gentlemen of the *Engliſh* Pale, *Oct.* 28. 1641.

Whereas a Petition hath been preferred unto Us, by divers Lords and Gentlemen of the Engliſh Pale, *in behalf of themſelves and the reſt of the* Pale, *and other the old* Engliſh *of this Kingdom, ſhewing, That whereas a late Conſpiracy of Treaſon, is diſcovered of ill-affected Perſons of the old* Iriſh, *and that thereupon a Proclamation was publiſhed by Us; wherein among other things,it is declared, That the ſaid Conſpiracy, was perpetrated by* Iriſh *Papiſts without diſtinction of any; and they doubting, that by thoſe general Words of* Iriſh Papiſts, *they might ſeem to be involved, though they declare themſelves confident, that We did not intend to conclude them therein, in regard they are none of the Old*-Iriſh, *nor of their Faction, or Confederacy; but are altogether averſe and oppoſite to all their Deſigns, and all other of like Condition; We do therefore, to give them full ſatisfaction, hereby declare and publiſh to all his Majeſties Good Subjects in this Kingdom, That by the Words,* Iriſh Papiſts, *We intended only ſuch of the Old meer* Iriſh *in the Province of* Ulſter, *as have Plotted, Contrived, and been Actors in this Treaſon, and others who adhere to them; and that We did not any way intend, or mean thereby any of the old* Engliſh *of the* Pale, *nor of any other Parts of this Kingdom, We being well aſſured of their Fidelities to the Crown, and having experience of the good Affections and Services of their Anceſtors in former times of Danger and Rebellion. And We further require all His Majeſties loving Subjects, whether Proteſtants or Papiſts, to forbear upbraiding Matter of Religion, one againſt the other, and that upon pain of His Majeſties Indignation. Given at His Majeſties Caſtle of* Dublin, 29. Oct. 1641.

R. Ranelagh,
R. Dillon,
An. Midenſis,
Ad. Loftus,
Geo. Shurley,
Ger. Lowther,
Jo. Temple,
Fr. Willoughby,
Ja. Ware.

God ſave the King.

Novemb. 1641.

The Lords and Gentlemen of the *Engliſh Pale* ſupplied with Arms and Ammunition.

With this the Lords and Gentlemen of the *Pale* ſeemed extreamly well ſatisfied, and the Lords Juſtices and Council were ſo far from ſuſpecting them guilty of the Conſpiracy, or that they would perfidiouſly renounce their Allegiance and fall in with the Rebels, that they immediately ſupplyed them with a Convenient proportion of Arms and Ammunition, to inable them to defend themſelves and thoſe Counties of the *Engliſh Pale* againſt the attempts and incurſions of the Rebels. To the Lord *Gormanſtone* were delivered 500 Arms for the County of *Meath*; Arms for 300 men for the County of *Kildare*; Arms for 300 for the County of *Lowth*; Arms for 300 for the County of *Weſt-Meath*; Arms for 300 for the County of *Dublin.* And ſo aſſured did they ſeem to be of the Fidelity of theſe Lords and Gentlemen, that ſeveral Commiſſions, (whereof that before inſerted to the Lord *Gormanſtone* was one, and was found in his Study after he had quitted his Houſe) were iſſued out to the Roman Catholiques, *viz.* To the foreſaid Lord *Gormanſtone* for *Meath*; To the Lord *Mountgarret* in *Kilkenny*; *Nicholas Barnewell* in *Dublin*; *Walter Bagnal* in *Caterlagh*; Lord *Lowth* in *Lowth*; Sir *Thomas Nugent* in *Weſt-Meath*; Sir *Robert Talbot* in *Wickloe*; the two Sir *James Dillons* in *Longford*; and ſeveral others in *Munſter*, *Connaght*, and *Ulſter*; who not long after moſt treacherouſly turned thoſe Arms they had received to defend the Government and Proteſtants, againſt them, and baſely joyned with the Rebels.

Borlaſe Hiſt. p. 28.

It ſeems by comparing ſeveral paſt and future Tranſactions of theſe Lords and Gentlemen of the *Pale*, with ſome of the Examinations and Depoſitions taken about the Rebellion, that if they were not in the Conſpiracy, yet they had a great inclination to promote rather than ſuppreſs it; though after all, the indiſcreet Zeal of the then Chief Governors, by putting their Agent Sir *John Read* to the Rack, gave them but too great a pretence and colour for their Revolt; and I know nothing that can be ſufficient to palliate much leſs Excuſe Rebellion, upon any pretences whatſoever, till St. *Paul*'s holy Rule be reverſed, and that Men *may do Evil that Good may come of it.*

The Names of the Chief Rebels.

The Principal of the Rebels that at firſt appeared in the Execution of this deteſtable Conſpiracy, which broke out firſt in the Province of *Ulſter*, were Sir *Phelim O Neal*, *Turlogh O Neal* his Brother, *Roury Mac-Guire*, Brother to the Lord *Mac-Guire*, *Philip O Reley*, *Mulmore O Reley*, Sir *Conne Mac-Gennis*, Col. *Mac-Bryan*, and *Mac-Mahon.* Theſe having got together, according to their Aſſignation, did at one and the ſame time treacherouſly Surprize the Town and Caſtle of the *Newry*, the Fort of *Dongannon*, Fort *Montjoy*, *Charlemont*, *Tonrages*, *Carick Mac-Roſſe*, *Clough-Cuter*, *Caſtle Blaney*, Caſtle of *Monaghan*, being all of them Places of conſiderable Strength; and beſides theſe, many other Caſtles, Towns and Villages, ſo that before the End of *October* they had gotten into their Poſſeſſion all the Towns, Forts, Caſtles, and Gentlemens Houſes within the Counties of *Tyrone Donegal*, *Fermanagh*, *Armagh*, *Cavan*, *Londonderry*, *Monaghan*, and half the County of *Down*, except the Cities of *Londonderry* and *Colraign*, the Town and Caſtle of *Encekillin*, and ſome other Places, which were for the preſent bravely defended by the *Britiſh* Undertakers; though afterwards for want of Relief, they were ſurrendred alſo into the Hands of the Rebels.

Several Places ſurprized by the Rebels.

The ſtrange Secreſy of the Conſpiracy.

Nor will it appear at all ſtrange, that they made ſo great Progreſs in ſo little time, when it is conſidered, that the Conſpiracy was ſo ſecretly carried among them, as that except the Information given to Sir *William*

liam Cole, it was not known to any of the *Engliſh* or *Britiſh* Inhabitants, till they felt the Effects of it. They Lived in the greateſt ſeeming Friendſhip together with the *Iriſh*, which brought them into a Security that proved ſo fatal to them. And like People, who are ſurprized in their midnight Sleep, with their Houſe blazing about their Heads, when they had not ſeen the leaſt Sparks of Fire at their lying down; ſo it happened to theſe miſerable Creatures; who upon the firſt Riſings about them, put themſelves, their Wives and Children into the Protection of ſuch of the *Iriſh*, whom they had moſt Obliged, and from whoſe Friendſhip they promiſed themſelves Security and Preſervation; but theſe Perfidious and Inhumane Wretches too frequently, either betrayed them into the Hands of the Rebels their Aſſociates, who Murdered and Deſtroyed them; or at leaſt Stript and Deſpoiled them of all they had; or elſe having them and their Goods and Money in their Power, baſely did it themſelves, and it is almoſt a ſhame to Humanity, to repeat the Cruelties which, as the Writers of that time relate from the Depoſitions of thoſe, who eſcaped the Fury of the *Iriſh*, were acted upon the Innocent *Engliſh*, and *Britiſh* Inhabitants of that Iſland; but it will be a greater and eternal Reproach and Infamy to the Prieſts, and thoſe, who call themſelves the Religious, of the *Romiſh* Perſuaſion, that they were the Actors and Inſtigators of the deluded People, to commit thoſe Execrable and Savage Cruelties, as if they were Meritorious and Acceptable Services to God Almighty, which far ſurpaſs the moſt Sanguinary Hecatombs, that were ever offered to the Devil, by the Blind and Pagan Idolaters; and yet it is but too evident, it muſt be placed to the account of thoſe of the *Popiſh* Clergy; for it ſeems before the Plot was come to Maturity, there was a Conſultation held at the Abbey of *Multifernan* in the County of *Weſtmeath*, where among other things the Queſtion was debated, What Courſe ſhould be taken with the *Engliſh* and all others, that were found in the whole Kingdom to be Proteſtants? ſome were only for expelling them, as the King of *Spain* did the *Moors* out of *Granada*; others diſliked that Lenity, urging, that they might do as the *Moors* did, return with the Sword in their Hand, to carve out their own Revenge; and therefore preſſed to have them univerſally cut off; the Debate laſted long, but at the laſt, ſome were for a middle way, neither to Baniſh nor Kill: and the Event juſtified all theſe Intentions, for in ſome Places, all were put to the Sword, or other more barbarous Executions; in others, ſome were impriſoned, but with the extremity and hardeſt Circumſtances of that miſerable Condition; and in other Places, they were diſmiſſed with their Lives, Stript and Diſpoil'd of all, and expoſed to the deplorable Companions of Cold and Hunger, which proved often to be their lingring Executioners.

Sir *John Temple, Iriſh* Rebellion p. 70. 71. *et paſſim alibi.*

Borlaſe Hiſt. p. 25. Dr. *Jones's* Depoſition.

This put the *Engliſh* every where into ſo great a Terror, Amazement, and Conſternation, that it deprived them of thoſe Succors of Reaſon, which might have been of Advantage towards their Preſervation; for generally where they did any thing for their own Defence, they did it ſingly, without Uniting and Arming themſelves for the common ſafety: and even where they did, as in ſome Places ſtand upon their Guard, yet were they ſo apt to give Credit to the Promiſes and Oaths of the *Iriſh*, to give them Quarter, and ſafe Conduct into ſuch Places, as they ſhould pleaſe, that many were Circumvented by this Stratagem, who were afterwards baſely Murthered, or at beſt Impriſoned, Stript and Expoſed Naked to all the Extremities, which attend helpleſs Nature, in-

Novemb. 1641.

ſomuch, that great Numbers of thoſe, eſpecially the Women and Children, who eſcaped to *Dublin*, and other Places in the North, did not long out-live the hardſhips of their Paſſage, but either Oppreſſed with Grief and the Terrors they had ſuffered, by the Tragical Loſſes of their Husbands, Children, Friends and Deareſt Relations, or wearied with their Travail and Hunger, contracted ſuch Diſeaſes, as ſhortly after put a Period to their miſerable Lives.

But amongſt all theſe Unchriſtian, and even Inhumane Cruelties, which were committed generally by the Northern, or as they are uſually called, to diſtinguiſh them from the *Iriſh* of the *Engliſh* Extraction, meer *Iriſh*, Truth and Juſtice exacts it from me, to Record the Mercy and Compaſſion of ſome, as well as the Cruelty and Barbariſm of others. It is very poſſible, I may for this, fall under the Diſpleaſure of ſome Perſons, who though their own Hands ſtill retain the Purple Dye of the Blood of their fellow Subjects Murdered by them, in the *Engliſh* Rebellion, yet think every thing an Excuſe of their Brethren in Iniquity the *Iriſh* Rebels, which does not involve the whole Nation in a Common Guilt. But I cannot but diſvalue all Cenſures, which may paſs upon me, whileſt like a Chriſtian I indeavor to immitate his Example, who always diſcriminates between the Innocent and Culpable, and who renders to every Man according to his Works; and next to the horrid Crime of Murdering Mens Perſons, certainly the Aſſaſinating of an Innocent Reputation, muſt with good and rational Men, be a moſt odious Sin; and I cannot but condemn it as partiality, much unbecoming a Juſt Writer, that I have not obſerved, that the Biſhop of *Meath*, or Sir *John Temple*, or Dr. *Borlaſe* take notice of any, or at leaſt very few *Engliſh* ſaved, or protected by any of the *Iriſh*, but in all probability contrary to their own Knowledg, they ſeem to involve all the Nobility and Gentry of *Ireland*, in the common Guilt of the Plunderings, Robberies, Murders, and Maſſacres which were committed; as if the whole Nation had together with their Loyalty, put off all manner of Compaſſion and common Humanity; and what I condemn in them as a Fault againſt Truth and Juſtice, I cannot think will paſs with Poſterity, who will judge with leſs partial and more diſintereſted Thoughts, for a Virtue in me.

Several *Engliſh* Proteſtants preſerved by the *Iriſh* Nobility and Gentry.

And it is moſt certain, that ſeveral *Engliſh* Proteſtants were preſerved by the *Iriſh* Nobility and Gentry, and particularly one of the *Relyes* preſerved many, and conveyed them ſafe to *Dublin*; amongſt which the Biſhop of *Elphin* then Miniſter of *Belſurbert*, as alſo the late Biſhop of *Meath*, Nephew to Primate *Vſher*, then Mr. *Henry Jones* and divers others.

One *Bourk* preſerved many in *Connaght*, Fed and Clothed ſuch as were Strip'd, and by the Marquiſs of *Clanricard*'s Directions and Aſſiſtance they were ſafe conveyed to *Gallaway*.

Sir *Edward Fiſher*, Sir *Richard Everard*, and others preſerved ſeveral in *Munſter*.

Dr. *Pullen* was preſerved at *Caſhel*, as Sir *James Ware* in his Book *de Preſulibus Hiberniæ* takes notice, and ſeveral others, by *Joſeph Everard* and *Redmond Engliſh*, two *Franciſcan* Friers, as was proved at their Trials at *Clonmel* in *Cromwel*'s time, upon which they were not only acquitted, but had Liberty to ſtay in the Country; and the Perſons ſo preſerved were convoyed from *Caſhel* to *Cork*, ſeveral of the Convoy being wounded in the Way, by ſome *Iriſh* who met them in the Mountains.

James Lord of *Dunboyn* ſent Mr. *Hamilton* with his Family ſafe to *Carrick*, to the now Lady Dutcheſs of *Ormond*, who ſoon after took them with her to *Dublin*.

But the faireſt Character in this particular that I have ſeen is that of the Lord and Lady *Muskery*, being a whole Jury of Depoſitions taken before the *Iriſh* Commiſſioners for the Revenue in 1654, which follows.

The Depoſition of *Robert Farnam* of *Bandon* in the County of *Cork*, an *Engliſh* Proteſtant, aged about 63 years, taken upon Oath as followeth.

Depoſitions in behalf of the Lord and Lady *Muskery*, for preſerving of the *Engliſh*.

H*E Depoſeth, That in the beginning of the late Rebellion, coming in another Company conſiſting of* 150 *Souls, as by* James Burrel's *Liſt appeared, to* Mocromp *in the ſaid County in a moſt miſerable condition, the Lord of* Muskery *came in perſon to meet them near* Mocromp *aforeſaid, and moſt compaſſionately looking upon them, ſaid,* Alas! poor Chriſtians! I am extreme ſorry you have been ſo dealt with; *and in this Deponants hearing, gave charge to his Steward to ſee all that Company drawn by the Pole, and to each a like allowance to be given; which immediately was done, and this Deponant ſaith, That he ſaw* 4 *Barrels of Oatmeal, with Beef and Pork proportionable, brought to them, and the beſt accommodation the place could afford, provided: And this Deponant further ſaith, That he is fully ſatisfied, all that Company for the moſt part had periſhed that night, not only for want of Proviſion, but alſo by reaſon of the extream foulneſs of the day, with Rain and Snow, the Company being ſtripped, had not they met with ſuch a bountiful Reliever, whoſe care of their preſervation continued until he ſafely conveyed them to ſuch Garriſons as they pleaſed: And this Deponant ſaith, That the Lady of* Muskery *was very ſolicitous of them, and the ſaid Lord and Lady were very careful, that no injury or violence ſhould be offered to this Deponant or his Company, in their throughfare to the ſaid Garriſons; all which being nothing but truth, this Deponant upon Oath doth affirm, and in manifeſtation thereunto ſubſcribeth this 16th day of* May, 1654.

Robert *R.* Farnam
his Mark.

This Depoſition was taken before Us

Robert Phaier,
Eſay Thomas,
Tho. Woodlif,
} Commiſſioners for the Revenue of the Precinct of *Cork*.

Twelve Depoſitions in behalf of the Lord and Lady *Muskery*, viz.

1 *Sarah Vokely.*
2 *Barbara Moore.*
3 *Mrs. Love.*
4 *Catharine Floyd.*
5 *Mary Thomas.*
6 *Sampſon Moor.*
7. *Eliz. Wharton.*
8 *Ann Field.*
9 Corporal *Biddel* in behalf of the ſaid Lord and Lady, with *Eliz. Laſdoffers*, in behalf of the ſaid Lady.

10 *Richard Love.*

11 *Richard Allen*, and *William Baker.*

12 *Eliz. King.*

13 A Copy of the Certificate of the Lady *Muskery*'s civil carriages ſince the Rebellion taken before the ſaid Commiſſioners, Dated with the above Depoſitions, the 16th day of *May*, 1654.

The Biſhop of *Ferns* alſo gave this Certificate, *That he ſaw a Gibbet upon* Carigodrohitt *Hill, with Two* Iriſh-men *hanging on it, Executed by the Lord* Muskery'*s Order for Robbing ſome* Engliſh-men, *coming out from* Kerry *in the Week before Chriſtmas*, 1641.

Dat. March 28 1682.

Dondalk taken by the Rebels.

The Rebels grown now numerous by meeting with little or no oppoſition, and inſolent by their Succeſſes, began to think of carrying all before them; and Sir *Phelim O Neal* had got together a great Army, though but in very ill Equipage, inſomuch that he divided his Body, and with one part marched down towards *Liſnagarny*, near the chief Plantation of the *Scots*, whom hitherto they had profeſſed they would permit quietly to live among them, and keep what they were poſſeſſed of; and the other part advanced towards the *Engliſh* Pale, and took in *Dondalk*, which they did with little difficulty, there being only one Company in the Town of the Army, commanded by a Lieutenant, who having neither Arms nor Ammunition quickly yielded the place, which he ſaw it impoſſible to defend, the Inhabitants being willing to Entertain the Rebels into the Town, as they had before into their Hearts, and good Affections. After the taking of this Town, which was about the beginning of *November*, they marched further into the County of *Lowth*, and took in *Ardee*, a little Town within Seven Miles of *Tredah*.

A Garriſon opportunely ſent to *Tredah*.

The State had preſent advertiſement from the Lord *Moor*, of their Motions, and the Deſign they had upon *Tredah*, and the ill poſture it was in; and therefore diſpatched away Sir *Henry Tichburn* with a Regiment, wherein ſeveral, who had been Field-Officers in former Employments, voluntarily ſerved as private Captains, who going from *Dublin* the third of *November* happily arrived there the next day; and after them ſeveral Troops under the Command of Captain *John Slaughter*, Lieutenant to Sir *Thomas Lucas* Commiſſary General, *Thomas Graham* Lieutenant to Sir *Adam Loftus*, and others; by which means that important place was preſerved from falling into the hands of the Rebels.

Dublin fortified.

The Lords Juſtices and Council did alſo with all diligence apply themſelves now to fortifie the City and Suburbs of *Dublin*, which the Rebels, among other Inſolencies, threat'ned to Attaque; Sir *Charles Coot* was made Governour of the City, and had a Commiſſion to raiſe a Regiment of the poor ſtripped and diſpoiled *Engliſh*, who had taken Sanctuary in that City; as alſo the Lord *Lambert* had to raiſe another: But the greateſt difficulty was Money, which either was ſo really ſcarce, or ſo pretended by the Mayor, Aldermen, and Citizens, that when the Lords Juſtices ſent to borrow Money of them, to victual the Caſtle, and carry on the Fortifications, they poſitively affirmed to the Board, all they could raiſe would not amount to above 40 *l.* and part of that in Cattle too; which to Poſterity will rather appear an Argument of the little Affection they had to the Government, and to keep out the Rebels,

The Corporation of *Dublin* not able to raiſe above 40 *l.*

Dublin Caſtle well Victualled by a pretty Artifice of the Maſter of the Rolls.

Rebels, than of any real Want or Poverty. However, the Maſter of the *Rolls* by a pretty Artifice got the Caſtle plentifully Victualled; for obſerving the Frights and daily Alarms in which the Proteſtants in the City were in, he laid hold upon this occaſion; and ſending for ſome of the beſt Merchants of the Proteſtants, he repreſented to them how unſafe their Goods were in the Town, and adviſed them to bring them for ſecurity into the Caſtle, where they ſhould be under a ſtrong Guard; and withal engaged, That if they were made uſe of for the Publick Service, he would become engaged for ſo much, which he would repay out of the firſt Money conſigned from *England*; which promiſe he exactly afterwards made good, by Bills drawn upon the Chamber of *London*; by this means he got 2000 Barrels of Beef, 2000 Barrels of Herrings, and a large proportion of Wheat into the Stores of the Caſtle, which afterwards proved of excellent Uſe for the Relief, not only of the Caſtle, but of the Army, which was quartered in the City a long time after.

To prevent Dangers which might happen by the great reſort of Strangers to the City, which raiſed great apprehenſions in the honeſter Party of the Inhabitants, a Proclamation was made, commanding all Perſons in His Majeſties Name, not dwelling in the City of *Dublin*, within one hour after the Publication thereof, immediately to depart upon pain of Death; and this not ſeeming ſufficiently effectual, upon the 28th of *October* a ſecond Proclamation more ſevere was iſſued out, to the ſame purpoſe, with the penalty of death to ſuch as ſhould harbour or entertain ſuch ſuſpitious Perſons. The Proclamations were as follow.

By the Lords Juſtices, and Council.

William Parſons, Jo. Borlaſe.

A Proclamation commanding all Strangers upon pain of death to depart the City and Suburbs of *Dublin*, 23 *Octob.* 1641.

For great and weighty reaſons of State, concerning highly the Peace and Safety of this City and Kingdom, We do hereby in His Majeſties Name ſtrictly Charge and Command all manner of Perſons of what Degree and Condition ſoever, who are not dwellers in this City or Suburbs, that within one hour after publiſhing this Proclamation, they depart from the Suburbs of this City, and return to their own dwellings, and that upon pain of death to be preſently executed upon them, if any of them be found here after that time; And all Houſholders in the Suburbs, to whom any ſuch may come, are to be equally guilty with ſuch Contemners, if they Lodge or Entertain any of the ſaid Perſons hereby required to depart.

Given at His Majeſties Caſtle of *Dublin* 23 *October*, 1641.

R. Dillon, *Fr. Willoughby,*
Ad. Loftus, *Ja. Ware,*
Jo. Temple, *Rob. Meredith.*

By

By the Lords Juſtices and Council.

William Parſons, Jo. Borlaſe.

A ſecond Proclamation for all Strangers upon pain of death to depart out of *Dublin*, &c. *Octob.* 28. 1641.

W*Hereas, notwithſtanding the late Proclamation publiſhed in this City, requiring all Stangers to depart from the ſame upon pain of Death, divers Strangers do daily repair to the ſame, and are entertained in ſeveral Houſes, both within the City and Suburbs thereof; Theſe are in His Majeſties Name ſtrictly to Charge and Command all ſuch Strangers as are of late come into this City, or into the Suburbs thereof, to depart the ſame within one hour after the publiſhing of this Declaration, upon pain of Death to be Executed on them by Martial Law: And all ſuch as have entertained any ſuch Perſon or Perſons into their Houſes, are hereby ſtrictly Required and Commanded to bring a Note of the Name of ſuch Perſon or Perſons ſo entertained, to the Mayor of this City, by the hour of Six of the Clock this preſent Evening, upon pain of death, to be Executed on them by Martial Law, who ſhall neglect ſo to do. Furthermore, the ſeveral Conſtables of this City are required this Night to make Search within this City and Suburbs thereof, for ſuch Strangers, and the harbourers of them, and to cauſe them to be apprehended, and detained, until they ſhall receive directions from Us to the Contrary.*

Given at His Majeſties Caſtle of *Dublin* the 28th day of *Octob.* 1641.

R. Dillon, *Ja. Ware,*
J. Temple, *G. Wentworth,*
Tho Rotherham, *Rob. Meredith.*

And becauſe they ſaw the ill Conſequence of the Calumny beforementioned, which the Rebels made uſe of, colouring all their impious Villanies under the Sacred Name of His Majeſties Authority, the Lords Juſtices and Council, to undeceive the abuſed People, and vindicate His Majeſty from the horrid Scandal, iſſued out the following Proclamation.

By the Lords Juſtices and Council.

Wil. Parſons, Jo. Borlaſe.

A Proclamation againſt the Calumny of the Rebels pretence of acting by the Kings Commiſſion, *Oct.* 30, 1641.

W*Hereas We the Lords Juſtices, and Council have lately found, That there was a moſt diſloyal, wicked and deteſtable Conſpiracy, intended and plotted againſt the Lives of Us, the Lords Juſtices and Council, and many others of His Majeſties faithful Subjects, eſpecially in* Ulſter, *and the Borders thereof; and for the ſurprizing, not only His Majeſties Caſtle of* Dublin, *His Majeſties principal Fort, but alſo of other Fortifications in ſeveral Parts; and although by the great goodneſs, and abundant mercy of Almighty God to His Majeſty, and to this State and Kingdom, theſe wicked Conſpiracies are brought to light, and ſome of the Conſpirators committed to the Caſtle of* Dublin *by Us, by His Majeſties Authority, ſo as thoſe wicked and damnable Plots have not taken effect in the chief Parts thereof; yet ſome of thoſe wicked Malefactors have ſurpriſed*

ſurpriſed ſome of His Majeſty's Forts and Garriſons in the North of Ireland, *ſlain divers of His Majeſties good Subjects, impriſoned ſome, and robbed and ſpoiled very many others, and continue yet in thoſe Rebellious courſes; againſt whom therefore ſome of His Majeſties Forces are now marching to fight againſt them, and ſubdue them, thereby to render ſafety to His Majeſty's faithful Subjects. And whereas to colour and countenance thoſe their wicked Intendments, and Acts, and in hope to gain the more Numbers, and Reputation to themſelves and their proceedings, in the opinion of the ignorant Common People, thoſe Conſpirators have yet gone further, and to their other high Crimes and Offences, have added this further wickedneſs, even to traduce the Crown and State, as well of* England *as* Ireland, *by Falſe, Seditious and Scandalous Reports, and Rumors ſpread abroad by them. We therefore, to vindicate the Crown and State of both Kingdoms, from thoſe falſe and wicked Calumnies, Do hereby in His Majeſties Name Publiſh and Declare, That the ſaid Reports ſo ſpread abroad by thoſe wicked Perſons, are moſt Falſe, Wicked, and Traiterous; and that we have full Power and Authority from His Majeſty, to proſecute and ſubdue thoſe Rebels and Traytors, which now We are doing accordingly, by the Power and Strength of His Majeſty's Army, and with the Aſſiſtance of His Majeſty's Good and Loyal Subjects; and We no way doubt, but all His Majeſty's Good and Faithful Subjects will give Faith and Credit to Us, who have the Honour to be truſted by His Majeſty ſo highly, as to ſerve Him in the Government of this His Kingdom, rather than to the vain, idle, and wicked Reports of ſuch lewd and wicked Conſpirators, who ſpread thoſe falſe and ſeditious Rumors, hoping to ſeduce a great number to their Party. And as We now believe, that ſome who have joyned themſelves with thoſe Conſpirators, had no hand in contriving, or plotting the miſchiefs intended, but under the pretence of thoſe ſeditious Scandals were deluded by thoſe Conſpirators, and ſo are now become ignorantly involved in their guilts; ſo in favour and mercy to thoſe ſo deluded, We hereby Charge and Command them in His Majeſty's Name, now from Us to take light to guide them from that darkneſs, into which they were miſled by the wicked ſeducement of thoſe Conſpirators, and to depart from them, and from their wicked Counſels, and Actions, and according to the duty of Loyal Subjects, to ſubmit themſelves to his Sacred Majeſty, and to his Royal Authority, intruſted with Us. But in caſe thoſe Perſons which were no Plotters, nor Contrivers of the ſaid Treaſon, but were ſince ſeduced to joyn with them, as aforeſaid, lay not hold of this His Majeſty's Grace and Favour, now tendred unto them; then We do by this Proclamation Publiſh and Declare, That they ſhall hereafter be reputed, and taken equally guilty with the ſaid Plotters and Contrivers, and as uncapable of Favour and Mercy as they are.*

Given at His Majeſty's Caſtle of *Dublin* the 30th of *October*, 1641.

La. Dublin,
R. Ranelagh,
Ant. Midenſis,
John Rophoe,
R. Dillon,

J. Temple,
P. Crosbie.
Ja. Ware.
Rob. Meredith.

Novemb. 1641.

Let us now repaſs again to the Affairs of *England*, where we left the Skie alſo lowring, and the gathering Clouds threat'ning Tempeſtuous Weather in the State.

Friday, Novemb. 12. The *Venetian* Ambaſſador Complains of the breaking open of his Pacquet.

This day the Lord Keeper informed the Houſe of Lords, *That the* Venetian *Ambaſſador, made a Complaint to the Lords of the Council, That the Diſpatches which were ſent to him this Week were opened, and the Seal of the State of* Venice, *broken by the Parliament, at which he finds himſelf ſo much aggrieved, that he hath retired himſelf from the Publick Affairs, as an Ambaſſador between this Kingdom and that State, until he receives further Commands from his Maſters.* Then was read a Paper (being a Tranſlation out of *Italian*, delivered by the ſaid Ambaſſador) the Contents whereof was as follows.

Moſt Noble Lords,

The *Venetian* Ambaſſador's Memorial about the breaking up of his Letters.

The Correſpondency betwixt Princes, hath always been the moſt immediate Ways of a true Intereſt, of maintaining of Eſtates, and of continuing of Commerce to the Benefit and Increaſe of the Common-Wealth.

To Cultivate this, the moſt great Kings, hath always uſed the utmoſt Induſtry, and to facilitate it, they have introduced the Expedient of Ambaſſadors to confirm it, betwixt the one and the other Kingdom. In this there hath been all Reſpect rendred to all Princes, at all times, not only having made the large Prerogatives and Liberties, the very ſame, as I may ſay, with the Poſſeſſion of their Dominions; and amongſt the moſt remarkable and equally neceſſary, that Privilege, by which we may receive Letters, and ſend from each Prince, or any Perſon whatſoever without Interruption, which is the moſt principal Office of an Ambaſſador. Which Practice, Moſt Noble Lords, is not the Laws of our Nation alone, but Univerſal, and hath been maintained inviolate, by the Kings, and the Publick of all Christian *Governments, no leſs than amongſt the moſt Barbarous.*

I nevertheleſs cannot ſay, but I have injoyed in this great Court, that juſt Reſpect, until the laſt Letters were opened, which came from France *to me Directed; which although they were reſtored by my Lord* Fielding *and Sir* Henry Vane, *who upon their Honor, aſſured me, that it was a pure Error, and not willingly committed; which though I do believe, yet I could not perſwade my ſelf, that the Government of* England, *ſo Noble and Generous, ſhould have ſo inferior a Mind, as to open the Letters of an Ambaſſador, and by this means, to Violate the Laws, and to give an ill Example to the World, of ſo little Reſpect towards the Miniſters of the moſt Serene Republick of* Venice, *which for ſo many Ages, hath given a Sincere Teſtimony of Affection, and Eſteem to this Crown.*

But now freſh Experience to my great Affliction, hath given Teſtimony of the contrary, being yeſterday all the Letters were opened, coming from Venice, Antwerp, *and other Countries, and the very Letters writ unto me, from the moſt Serene Republick, and the Regal Seal being broken, and the Commiſſion ſent from my Lords being publiſhed, and many of my own Letters being taken; the Conſequences of which, cannot be approved of by any.*

I have judged it convenient, to give Notice unto your Excellencies, by which according to the greatneſs of your Wiſdoms, you may take it into Conſideration, and take ſuch Reſolutions therein, as you ſhall judge neceſſary, *ry, for maintaining the Honor of this Nation, and the Publick Faith, under the Protection of which, Ambaſſadors live; ſo that it may be known to all Princes, that in* England *they do not introduce New Laws, but that they will maintain the conſtant Profeſſion, of rendring the ancient Reſpects, which are due to the moſt Serene Republick of* Venice.

Whereupon the Houſe thought it fit and agreed, That Satisfaction for this ſhall be given to the State of *Venice*, and to the Ambaſſador for the preſent; and the Houſe appointed the E. of *Briſtol*, E. of *Holland*, Viſcount *Say* and *Seal*, L. *Digby*, and the L. *Newnham*, to draw up preſently, what was fit to be given by Way of Anſwer to the *Venetian* Ambaſſador.

Their Lordſhips preſented a Draught to the Houſe, which was read in theſe Words, *viz.*

The Anſwer of the Houſe of Lords to the *Venetian* Ambaſſadors Memorial.

That four Members of the Houſe of Peers, be forthwith ſent to the Ambaſſador's to diſavow the Action, and to endeavor to give him all the Satisfaction poſſible, by declaring how ſenſible they are of it, as tending to the Breach of Publick Faith, and the Law of Nations; and to ſhew further how deſirous they are to continue the ancient Correſpondency, betwixt the King and that State, and that the Houſe of Peers are reſolved, to be humble Suitors to his Majeſty, to haſten the departure of his Ambaſſador, to make known to that State the ſame Senſe, with ſuch other Expreſſions, as may beſt declare the tender Reſpect they have to the Honor of that State, and the Noble Uſage their Miniſters may expect and ſhall find in their Reſidence here from the King and Parliament.

And the Lord Privy Seal, L. G. Chamberlain, L. M. of Hertford, *and the L.* Newnham, *were appointed to deliver this Anſwer to the* Venetian *Ambaſſador.*

After this the 13 Biſhops which ſtand Impeached in this Houſe, from the Houſe of Commons, for Crimes in making the late Canons and Conſtitutions, and granting a Benevolence unto the King, being by Order of the Houſe, to put in their Anſwers to the ſaid Impeachment, were required by the Speaker, in the Name of this Houſe, to put in their Anſwers.

The Biſhops put in their Anſwer by Plea and Demurrer.

Their Impeachment brought up from the Houſe of Commons was read; and then the Council Aſſigned the Biſhops were called in, and demanded to give in the Anſwers of the Biſhops; they Anſwered, *they had delivered in the ſaid Anſwer to the Lords the Biſhops.* The Biſhop of *Winton* hereupon delivered his Anſwer, with the reſt of the Impeached Biſhops in Writing, ſubſcribed with all their Hands, excepting the Lord Biſhop of *Gloceſter*, who delivered in his by himſelf, by Word of Mouth, and pleaded not Guilty *Modo & Formâ*, as is charged in the Impeachment.

Then the Anſwer of the Biſhops was read, which conſiſted of a Plea and Demurrer.

The Council being commanded to withdraw, the Houſe took it into Conſideration, and reſolved to communicate it to the Houſe of Commons, which was done accordingly, the Meſſage being ſent by Serjeant *Whitfield* and Serjeant *Glanvile*.

The Houſe of Commons fell upon the Debate of the *Iriſh* Affairs, and came thereupon to theſe Votes.

Reſolved upon the Queſtion,

That this Houſe holds it fit, That forthwith ſo many Officers be ſent over

Novemb. 1641.

over into the North Parts of Ireland, *as ſhall be ſufficient to Command* 2000 *Men.*

Reſolved, &c.

That ſo many Officers ſhall be ſent into the Province of Munſter *in* Ireland, *as ſhall Command a Thouſand Foot, and a Troop of Horſe.*

Reſolved, &c.

That it be propounded to the Lords, That Order be taken for the ſecuring the ſeveral Forts of Ireland, *viz. of* Cork, Waterford, Limrick, Kingſale, Youghall, Galloway, *and* Baltimore.

The Houſe was then Reſolved into a Grand Committee of the whole Houſe, to conſider of ſome Courſe, for providing Preſent Money for the Service of *Ireland*; and Mr. *Hyde*, reported the Debate.

Whereupon it was Reſolved upon the Queſtion,

200000 *l.* Voted to ſuppreſs the Rebels in *Ireland.*

That 200000 l. *ſhall be raiſed for the Suppreſſing of the Rebels in* Ireland, *for Security of this Kingdom, and for payment of Debts.*

Then Mr. *Pym* Reported from the Committee for *Iriſh* Affairs.

(1.) *That he was Commanded to preſent a State of the Army, what charge it will be to the Common-Wealth, to maintain ſuch Men as will be neceſſary for the Defence of* Ireland.

Thoſe Gentlemen that are appointed as a Council of War, to prepare things for this Houſe, have proportioned the Charge in a middle way between 1618 *and* 1639.

The Charge of a Regiment of Horſe and Foot with the Field Officers.

That the Pay of a Regiment of 1000 *Men, together with the Officers, amounts unto* 19201 l. per Annum: *for one Regiment of* 600 *Horſe,* 37310 *l.* per Ann. *For the general Officers of the Field,* 19541 l. 8s. 2d. per Annum.

Reſolved, &c.

That this Houſe ſhall inſiſt upon their former Vote of accepting at this preſent of 1000 *Men, only to be Raiſed in* Scotland *to be ſent into* Ireland.

Saturday, Novemb. 13.

The Lord-Keeper being ſo indiſpoſed that he was not able to come to the Houſe, the Lord Privy-Seal was appointed to be the Speaker of the Houſe for this day.

The Lord *Kymbolton* then reported ſome Propoſitions from the Committees of both Houſes for the *Iriſh* Affairs, which were read as followeth.

(1.) *That Officers for* 2000 *Foot ſhall be ſent,* &c. ut ſupra *in the Votes.*

(2.) *That it ſhall be referred to the Lord Lieutenant to make a Liſt of thoſe Officers, and to appoint of what numbers each Company ſhall conſiſt of.*

(3.) *That the* 1300 *Arms that are in* Carliſle, *ſhall be ſent away preſently to the North Parts of* Ireland, *and Arms for one Troop of Horſe.*

(4.) *That the Forty old Foot Companies be recruited unto* 100 *Men in a Company.*

(5.) *That the Recommendation of Sir* John Clotworthy *to ſome honourable Entertainment in* Ireland, *be propoſed to the Lords.*

(6.) *That the like Recommendation be for the Lord* Dungaruan, *and for the Command of* Youghal; *this requeſt the Lord* Dungaruan *deſires may be left to the Lord Lieutenant.*

(7.) *That*

Novemb. 1641.

(7.) *That Officers be ſent into* Munſter *for* 1000 *Foot, and* 1 *Troop of Horſe, and this was the eaſier yielded unto, becauſe the Lord* Dungaruan *informed, that the Soldiers ſhould receive no Pay, till they were ready to March againſt the Enemy.*

(8.) *That preſent Order be taken for ſecuring the Port Towns of* Munſter; *as* Cork, Waterford, Limrick, Kynſale, Youghal, Baltimore, Slego, *and* Gatway *in* Connaght; *becauſe theſe Towns lie on the South-Weſt of* Ireland *near* Spain.

(9.) *That the Officers may be ſpeedily ſent for* Dublin.

(10.) *It is thought fit by the Committees, that Sir* Simon Harcourt *ſhould have the Sallary of* 20 s. per diem *above the reſt for his Command of* Dublin.

(11.) *That the Entertainments of every Regiment of Foot and the Pay of the Officers of the Army ſhall be from the Date of their Commiſſions, and Sir* Simon Harcourt *to go away preſently, to all which the Lords aſſented.*

Lord *Newnham*'s Report of the *Venetian* Ambaſſadors receiving the Meſſage from the Lords.

The Lord *Newnham* reported, *That himſelf and the reſt of the Lords appointed by this Houſe, repaired to the* Venetian *Ambaſſador, and delivered unto him the Paper Tranſlated into* Italian, *touching the excuſe for opening his Letters, and after he had read it, he preſented unto the Houſe great thanks for ſending perſons of ſuch great place in this State unto him, and promiſed he would repreſent the ſame to the State of* Venice, *with as much reſpect as he could; But deſired that the Kings Ambaſſador may be ſent away as ſpeedily as may be to* Venice, *in the nature of a ſpecial Ambaſſador, to make excuſe for this particular Buſineſs, before he Treat of any Publick Affairs; and for prevention of any Accident for the future, he deſires to have an Order to the Poſt-Maſter, that his Letters may be ſpeedily ſent him. Whereupon the Houſe thought fit, That the firſt deſire concerning the Ambaſſador, be left to the Pleaſure of His Majeſty, and for the other, it was Ordered, That ſuch Pacquets and Letters as are or ſhall be directed to the* Venetian *Ambaſſador, ſhall be forthwith delivered up to the ſaid Ambaſſador's own hands.*

Order for bringing up the Ammunition from *Hull*.

It was this day Ordered, *That the Earl of* Newport, *Maſter of the Ordnance, ſhall have power by Virtue of this Order to ſend his Commands, and Iſſue forth Warrants for the bringing up the Magazine of Arms and Ammunition, remaining now in* Kingſton *upon* Hull, *unto the Tower of* London *for the ſecuring of the Kingdom.*

Order about the L. Lieutenant of *Ireland*.

It was alſo Ordered, *That becauſe the Lord Lieutenant of* Ireland *hath not been inveſted in the Formality of his Place by the receiving of the Sword in* Ireland, *That his Lordſhip ſhall have power by Virtue of this Order to give Command to the Lords Juſtices of* Ireland *to ſeize upon the perſons of any that are ſuſpected, until they ſhall clear themſelves unto the ſaid Lords Juſtices there.*

At a Conference this day, the Commons deſired, *That the firſt ſix Articles of Inſtructions to the Commiſſioners in* Scotland; *to which the Lords had already agreed with ſome little Alterations, as that* 10000 *Men might be raiſed in* Scotland *for the ſervice of* Ireland, *might be ſpeedily ſent away by Mr.* Pickering; *and for the remaining Articles touching ill Counſels and Counſellors, they deſire their Lordſhips would joyn therein, and they will tarry four or five days for their Lordſhips Reſolutions.*

Whereupon the 6 Articles were diſtinctly read over again, and the Houſe agreed to them all, and Reſolved to take the reſt into Conſideration hereafter.

Then the Petition which was to go along with the Inſtructions was read in *hæc verba*.

The Petition to the King in *Scotland* ſent with the Inſtructions to the Committees.

To the King's Moſt Excellent Majeſty.

The Humble Petition of the Lords and Commons in Parliament.

Moſt Gracious Soveraign,

WHereas this Meſſenger Mr. Pickering *is imployed with Inſtructions to our Committees in* Scotland, *to Petition your Majeſty to propound to your Parliament of* Scotland *our deſire of ſome Aids from that Kingdom for the ſuppreſſing of the Rebels in* Ireland; *if it fall out, that your Majeſty ſhall be come out of* Scotland, *or our Committees before the Arrival of this Meſſenger there, We humbly beſeech your Majeſty to give Authority to the ſaid Mr.* Pickering *to preſent the ſaid Inſtructions to the Parliament of* Scotland *and to bring back their Anſwer to the Parliament of* England. *Which being read was Approved by the Houſe.*

The Anſwer of the City about lending Money.

In the Commons Houſe Sir *Thomas Barrington* Reports the Anſwer of the City, *That the Committee who were Ordered to carry the Letters which came laſt from* Ireland *to the City, to ſtir them up to lend Money, found a great deal of willingneſs and readineſs in the City to do it; the Lord Mayor deſired to know the particulars we had in Charge for their ſecurity, which being made known unto them together with the miſerable condition of* Ireland, *Mr. Recorder did very much promote the Buſineſs, and preſſed them to give their Votes: but before they did that, they deſired by way of Propoſitions to offer ſomething, not by way of Contract, to this Honourable Houſe.* (1.) *That the Money ſhould be paid as the Act was paſſed.* (2.) *That by reaſon of the Privilege of the Members of both Houſes, and by reaſon of the Protections granted eſpecially by the Lords, a vaſt Sum of Money is detained from them, ſo that Trade cannot be driven, nor are they ſo enabled to lend Money, as they deſire, for the ſervice of the Common-wealth.* (3.) *They ſaid they were ſenſible of the miſeries of the Proteſtants in* Ireland, *and of the Power of the Papiſts there; and therefore did preſs with much earneſtneſs, That the Perſons of the Popiſh Lords, and other Perſons of Quality here in* England *might be ſecured, leſt the ſame Deſign might be intended by them here, which they have cauſe to fear. Next, That there were divers Laws and good Motions ſent up to the Lords for the good of this Church and Common-wealth, and that the great Impediment which did ariſe there that they paſſed not, was from the Biſhops, and they did conceive that ſo long as their Votes was in the Parliament, it would be a hindrance to the Progreſs of all good Laws and Motions; and therefore they deſired a further endeavour to take away their Votes; This being thus ſaid by them, they put it to the Vote for lending Money, and not one Hand or Vote againſt it; And they did further declare, That if the Lord Mayor would ſend to every Ward they would preſently pay the Money, or ſubſcribe to do it in a ſhort time.*

The Reader may now obſerve, That the City began to Dance after the Pipe of the Faction at *Weſtminſter*; and to load the poor Biſhops with being the Cauſe of the ſtoppage of the intended Reformation: They had wreſted the Lord Mayor's Prerogative from him in the Election of one of the Sheriffs, as before was ſhewn; and did with great induſtry endeavour to get the Government of the City out of the hands of thoſe who were of known Loyalty to the Crown, and Affection to the Church.

The Faction in the Commons Houſe needed not this Spur, to quicken the Career of their Animoſity againſt the Lords the Biſhops; however it was extream welcome to them, and an uſual Artifice by their Agents to put both the City and Country upon Directing and Petitioning, what they had a mind to bring to paſs; this gave a great colour to their proceedings, as being agreeable to the deſire of the Nation, the mind of the People of *England*, and the wiſhes of the City; for thoſe of their Tribe, though not the 40th part of the City, Nation, or People, yet they took upon them theſe great Names: And this Arrogant Uſurpation of making themſelves the Repreſentatives of the good People of *England*, was a vanity which was inſeparable to the Party, and which we ſhall find them making Uſe of upon all occaſions.

The Biſhops Plea and Demurrer, voted Dilatory.

The Houſe of Commons thereupon fell briskly upon the Plea and Demurrer of the Biſhops, which was read twice, and then it was

Reſolved, &c.

That this Plea and Demurrer of the Biſhops is Dilatory and inſufficient.

This Vote ſeems to be given at all adventure, for after the Vote, a Committee was appointed to conſider of the Plea and Demurrer, and to preſent their Opinion, what they think fit to be done upon it; and after ſome time, Serjeant *Wild* Reported, *That after a long Debate in the Committee, and variety of Opinions, they came at laſt to this Concluſion, That this Plea and Demurrer is Dilatory and inſufficient*: juſt as the Houſe had Voted before, and without ſhewing any Reaſons why; but that theſe 12 Biſhops have made no Anſwer, and therefore to deſire the Lords, That they may put in a peremptory Anſwer, ſuch as they will ſtand unto.

There is not the meaneſt Freeholder in *England*, but by the Common Law of *England*, ought to have had the Liberty to have a Demurrer argued; and unleſs it could be over-ruled by ſound Reaſon and Law, it muſt have been allowed a good Plea: and yet theſe venerable Men, who had all the ſecurity that the *Magna Charta*, the Common and Statute Law could afford them, for their Right of Peerage, and Voting in Parliament; could not be allowed that Common Right, but without the leaſt ſhadow or Error in the Plea and Demurrer aſſigned, muſt be obliged to give another Anſwer: This was the Juſtice of thoſe Men and Times.

But it was no wonder to ſee them violate the Laws of Reaſon, Religion and their own Nation; for even the Law of Nations, as you have ſeen before in the *Venetian* Ambaſſador's Caſe, whoſe Letters were opened at their Inſtance and Direction, was not able to preſerve its Sacred Power. For a Complaint was brought to the Commons Houſe by Segnior *Amerigo*, the Agent of the Duke of *Florence*, that under pretence of ſearching for Prieſts, his Houſe was broken open, by Perſons who ſhewed their Authority for it: And hereupon even ſhame, leſt Foreign Nations ſhould withdraw all Commerce and Correſpondence from them who violate the Common Law of all Nations, obliged them to appoint a Committee, *To conſider of the Outrages* (theſe are the words of their own Journal) *offered to Segnior* Amerigo *Agent to the Duke of*

The Agent of *Florence* outraged.

Novemb. 1641.

of Florence, *and likewiſe to conſider of the Abuſes of thoſe Men, that are imployed by this Houſe for apprehending of Prieſts; and they are to conſider of ſome fit way of Reparation, to be made to Segnior* Amerigo, *and to preſent them to the Houſe.*

Monday, Novemb. 15.

This day a Petition of the City of *London* was read, *Touching the abuſe of many Protections, which was to the ſtopping of Trade,* &c. but becauſe the Petition was too General, it was agreed it ſhould be delivered back again to be mended, and then their Lordſhips will conſider further of it.

A Meſſage was ſent from the Houſe of Commons to deſire, *That the Examinations taken by the Lords Committees concerning the Plot of the Army, may be ſent down to the Houſe of Commons,* to be made uſe of. The Examinations were delivered, Sealed to the Clerk of the Parliament, and it was Debated, *Whether they ſhould be openly read in the Lords Houſe, before they were ſent down,* and upon the Queſtion it was Reſolved, *That they ſhould*; and thereupon they were opened, and read acccordingly.

Beal's Plot.

They had now a Neceſſity to revive the Buſineſs of the Deſign of bringing up the Army, that by the Aſſiſtance of that, which they made a mighty Plot, they might inforce the great Neceſſity of the King's parting with all his Friends in Power and Truſt, under the Notion of Evil Counſellors; with which Debate, the Houſe of Commons was in a manner now wholly taken up: but ſure they were the moſt Fortunate Perſons in the World, to be upon all Occaſions furniſhed with the diſcovery of freſh Plots, to carry on their Deſigns, and give them countenance among the Amazed and Affrighted People; and one lies under the Temptation of believing, that they were the Contrivances of the Faction, rather than Realities, when it is obſerved how luckily the Diſcoveries happened to fall in with their other Deſigns. For in the very nick of time, when they were at a dead-lift, to get the Houſe of Lords purged of the Popiſh, and Popiſhly Affected Lords and Biſhops, up ſtarts one *Beal* a Taylor, and Diſcovers a mighty Plot. For this Day a Meſſage was brought from the Houſe of Commons by *John Hampden* Eſq; to let their Lordſhips know, *That this Day there came a Man to the Door of the Houſe of Commons, and ſent in Word, That he had Matters of a high Nature to reveal, concerning ſome Lords and Members of the Houſe of Commons*; Upon this the Houſe ſent forth ſome Members to ſpeak with the Man, who acquainting the Houſe with ſome Diſcourſe they had with him, the Commons ſent for him in, who beginning to relate the Buſineſs, the Houſe of Commons would not ſuffer him to name any Perſon, leſt the Parties hearing of it, ſhould Fly. And becauſe it concerned ſome Peers of this Houſe, the Houſe of Commons have ſent the Man, who is now at the Door, ready to be Examined openly, or in what manner elſe their Lordſhips in their Wiſdom ſhall think fit.

Then *Thomas Beal* a Taylor dwelling in *White-Croſs* Street, was called in and made a Relation of the whole Matter, with all the Circumſtances, which was as follows.

Beal's Narrative before the Lords.

THat this day at Twelve of the Clock, he went into the Fields near unto the Poſt-Houſe, and walking on a private Bank, he heard ſome talking, but did not ſee them at firſt, but finding them by the Voice, he coming within hearing of them, underſtood they talked of State Affairs: and going nearer them, he heard one of them ſay, that it was a wicked thing *that the laſt Plot did not take, but if this goes on, as is in Hand and intended, they ſhall be all made. And alſo heard them ſay, That there was* 108 *Men appointed, to kill* 108 *Perſons of the Parliament, every One his Man, ſome were Lords, and the others were to be Members of the Houſe of Commons, all Puritans; and the Sacrament was to be Adminiſtred to the* 108 *Men for performing of this; and thoſe that killed the Lords were to have* 10 l. *and thoſe that were to kill the Members of the Houſe of Commons* 40 s. *That* Gorges *being the* 37th *Man, had taken the Sacrament on* Saturday, *to kill one of the Houſe of Commons, and had received* 40 s.

Very notable Rewards.

That one Phillips *coming to* London *on* Sunday *Night late, was charged to be at my Lord's Chamber, where was only my Lord, Father* Jones, *and Father* Andrews; *he alſo had his Charge and five more with him, he being the* 108 *man, and the laſt as he thought.*

That Phillips *had been in* Warwick-ſhire *and in* Buckingham-ſhire *with Letters, and that he delivered Letters to Mr.* Sheldon, *who gave him his Dinner, and a Piece for his Pains, charging him to make haſte to* London *again, and giving him Letters to deliver to my Lord.*

That Dick Jones *was appointed to kill that Raſcally Puritan* Pym, *and that* 4 *Tradeſmen were to kill the Puritan Citizens which were Parliament men.*

That on the ſame day being the 18*th of this Month, when the City ſhall be in a Tumult, there ſhall be Riſings in Six ſeveral Parts of this Land by the Papiſts,* viz. *in* Warwick-ſhire, Worceſter-ſhire, Buckingham-ſhire, Lancaſhire, *and Two other Places which he remembers not.*

That thoſe that were to kill the Lords were brave Gallants in their Scarlet Coats, and had received every man 10 l. *a piece, and when that was gone, they might come and fetch more.*

That this was to be done either coming down Stairs, or taking their Coaches, or entring into their Lodgings, or any other way as they ſhould ſee opportunity.

That although all were not killed, yet the Tumult would be ſo great, that it would prevent ſending to Ireland, *and that was Father* Andrews *his Wit, to prevent ſending thither; becauſe if they prevailed there, they ſhould not have Cauſe to fear here.*

This Relation being made, Beal *was commanded to withdraw, and the Houſe took into ſerious Conſideration, what Courſe was fit to be ſpeedily taken in this Buſineſs. And the Houſe being informed, That there is one Father* Brown *a Prieſt in the* Gate-Houſe, *who is a likely Man to give Information and Deſcriptions of* Jones *and* Andrews *mentioned by* Beal, *the Lord Chief Juſtice of the* Common-Pleas, *and Mr. Juſtice* Reeves *were appointed to go preſently to the* Gate-Houſe, *to take his Examinations.*

It was alſo Ordered, *That the Juſtices of the Peace, of the City and Liberties of* Weſtminſter, *the Juſtices of Peace for the County of* Middleſex, *and the Lord Mayor and Sheriffs of* London, *do preſently make ſpeedy and privy Search this Night for Father* Jones, *and Father* Andrews *Prieſts, and for all other Seminary Prieſts and Jeſuits, and to cauſe them to be forthwith Taken and Apprehended, and put into ſafe Cuſtody, until the further Pleaſure of this Houſe be known, and that their Names be returned to this Houſe; and that any Man that ſhall diſcover any Popiſh Prieſt or Jeſuit, and procure them to be Apprehended, ſhall be rewarded by the Parliament.*

Order to Apprehend Prieſts and Jeſuits.

Order to ſeize the two Mr. *Sheldons* upon *Beal*'s Diſcovery.

It was further Ordered, *That the Gentleman Vſher attending this Houſe, or his Deputy, ſhall repair unto* Edward Sheldon *Eſquire the Elder, and* Edward Sheldon *the Younger his Son, and bring them unto the Lords in Parliament, with a ſafe and Strong Guard upon them, if there ſhall be Cauſe; and that the Sheriff of the County, wherein the ſaid Mr.* Sheldons *now Reſide, ſhall Aid and Aſſiſt the ſaid Gentleman Vſher, or his Deputies, for the ſafe bringing up of the ſaid Mr.* Sheldons *to the Houſe, if the ſaid Gentleman Vſher, or his Deputies ſhall deſire it. And that the ſaid Gentleman Vſher, or his Deputies, ſhall call in two of the next Juſtices of the Peace, and Seal up their Study Doors, and make ſearch for Prieſts and Jeſuits, and bring them up, that they may be Proceeded againſt as this Houſe ſhall direct.*

Ordered, *That Mr.* William Sheldon *now in Town, be forth-coming at ſuch time, as this Houſe ſhall ſend for him; and in the mean time, his Study to be ſealed until further Order.*

Ordered, *That all Lords Recuſants being Members of this Houſe, and Peers of Parliament, being now in Town, ſhall come to this Houſe on* Tueſday *the* 16th *of this Inſtant* November, *by Nine of the Clock in the Morning.*

Ordered, *That ſtrict and near Search ſhall be made, with all poſſible Speed in all Parts, in and about the City of* London, *and the Liberties thereof, for one called or known by the Name of* Richard Jones, *who being Apprehended, ſhall be forthwith brought before the Houſe.*

And it was alſo Ordered, *That the Deputy Lieutenants of the Counties of* Worceſter, Lancaſhire, Warwick-ſhire, *and* Buckingham-ſhire, *have a Charge to ſecure the ſaid Counties.*

The Lord Chief Juſtice of the Common-Pleas, Reported, *Thnt he hath Examined Father* Brown, *whether he knows any ſuch Men, as Father* Jones, *and Father* Andrews, *and his Anſwer is, he knows no ſuch.*

In the Commons Houſe, a Committee was appointed to prepare a Draught of an Ordinance of Parliament, for the putting the Trained-Bands into a readineſs, and poſture of Defence upon all Occaſions, and likewiſe for ſecuring the Perſons of the Prime Papiſts, and the Knights, Citizens, and Burgeſſes to bring in Liſts of the Prime Papiſts in their ſeveral Counties, and to preſent a Liſt of their Names to the Houſe.

Tueſday, Novemb 16.

Mr. *Trevor* of Council for the Biſhops.

Order for Security of the Merchants at *Venice*.

It was this Day Ordered, *That Mr.* Arthur Trever *ſhall be Aſſigned to be of Council with the Lords the Biſhops that are Impeached.*

It was moved, That leaſt the Merchants at *Venice*, may ſuffer for the opening of the *Venetian* Ambaſſador's Letters here, that a Committee might be appointed to conſider of ſome Diſpatch to be ſent to the King's Agent at *Venice*, to let him know what Satisfaction hath been given by the Houſe of Lords to the Ambaſſador here; that ſo he may be the better enabled and Inſtructed how to apply himſelf to the State, there to give them Satisfaction. And the ſame Lords that went to the Ambaſſador, were appointed to do it.

Then the Lord Privy Seal reported the laſt Conference, *That the Commons had given in a Liſt of the Prime Papiſts, Nobility, Knights and Gentlemen, in the Counties of* Warwick, Southampton, Dorſet, Worceſter, Bucks, Lancaſter, Pembroke, *and* Stafford; *which they deſired might be ſecured for the Safety of the Kingdom in this time of Danger.*

Then was read an Ordinance, which the Commons deſired the Lords to joyn with them in, which was as followeth.

Novemb. 1641.

An Ordinance Iſſued out upon *Beal's* Information.

The Lords and Commons Aſſembled in Parliament, having received Informations of dangerous Deſigns and Practiſes, by Prieſts and Jeſuits and Ill-Affected Perſons, to diſturb the Peace of this State, and the Proceedings of Parliament, and to attempt upon the Perſons of many of the Members of both Houſes. And well knowing, That there is no way to prevent the Miſchief, which the Malice of ſuch Men may ſuddainly bring upon the Realm, to the utter Subverſion of our Religion, Laws, and Liberties, but by putting the Kingdom into a Poſture of Defence, and ſo to be ready upon all Occaſions, to oppoſe Force to Force. They the Lords and Commons have thought fit to Appoint and Ordain, and do hereby Appoint and Ordain the Earl of Eſſex, *to have the Trained Bainds of the ſeveral Counties in readineſs; and do hereby give him Power, to command them whenſoever there ſhall be need to March and Gather themſelves into a Body, and to oppoſe, and ſet upon all thoſe, who ſhall attempt, or do any thing, which may be prejudicial to the Publick Peace, or Dangerous to the Parliament in General, or to any of the Members of Parliament in particular; and they the ſaid Lord and Commons, do likewiſe hereby, and injoyn all the Trained-Bands of the ſeveral Counties, and every particular Perſon, who is Officer or Soldier of the Trained-Bands to be obedient to the Commands of the ſaid Earl, as they will Anſwer the contrary at their Perils.*

A further Account at a Conference of *Beal's* Plot.

A Meſſage was brought from the Houſe of Commons by Sir *William Armyn* Baronet, to deſire a free Conference by a Committee of both Houſes, touching the ſafety of the Kingdom. At which the Commons acquainted their Lordſhips, *That they have diſcovered ſome things further concerning the Plot which was related by* Beal; *for upon Examination they are informed, That there are two ſuch Prieſts as Father* Jones, *and Father* Andrews; Jones *they underſtand is here in Town, at the Earl of* Worceſter's *Houſe,; and* Andrews *is deſcribed to be near* 50 *Years of Age, and uſes to come much to Sir* Baſil Brook's *Houſe: And they let their Lordſhips know, That the Houſe of Commons have cauſed a Guard to be ſet about the Earl of* Worceſter's *Houſe; and have Ordered, That his Houſe ſhall be ſearched; but becauſe he is a Peer of this Houſe, they have firſt acquainted their Lordſhips therewith.* This Information was given to the Commons by one Mr. *Wadſworth.*

The Houſe of Commons further thinks fit, that a Declaration be made, That whoſoever of the 108 *Men deſigned to do this miſchief, ſhall come in and diſcover the ſame, both Houſes will be humble Suitors to the King, that they may be Pardoned, and they ſhall be well Rewarded.*

They alſo deſired, *That the Lords would be pleaſed to joyn with them in the Ordinance concerning the Earl of* Eſſex; *and the like Ordinance they deſire may be for the Earl of* Holland, *that he may Command the Trained Bands on the North ſide the* Trent; *and that they may Nominate particular Men of Truſt in every County, to take care of the Militia, that the People may know whom to reſort unto.*

That the Iſle of Wight *may be ſecured, by ſequeſtring it into another hand for the preſent.*

That the Forts and Caſtles of this Kingdom may be ſecured.

Laſtly, *That ſearch may be made in the City, and the Liberties for all Prieſts and Jeſuits, and for all ſuſpected Perſons; and that their Names and Conditions may be delivered in to the Parliament.*

Hereupon it was Ordered, *That* James Maxwel *Eſq; Gentleman Vſher to the Lords, ſhould joyn with any ſuch as the Houſe of Commons ſhall appoint, and imploy for the Searching of the Earl of* Worceſter's *houſe, and any other Recuſants houſes, being the King's Subjects, for the apprehending and taking of any* Romiſh *Prieſts and Jeſuits whatſoever.*

It was alſo moved from the Committee of the Houſe of Commons, *That Monſieur* St. German, *and* Peter de Chair *may be Sworn, and afterwards Examined by the deputed Lords.* And it was Declared, *That any Peer of this Houſe may be preſent at the ſaid Examination if he pleaſe.*

Information of dangers in *Lancaſhire.*

To ſwell the Tide of Fears and Dangers, the Lord *Wharton* informed the Houſe, *That he had received a Letter from the Lord* Strange, *Lord Lieutenant of* Lancaſhire, *which had ſome particulars in it fit for this Houſe to know*: The Letter was read, wherein it was ſaid, *That his Lordſhip was upon his Guard; that ſome in that County were ſtronger than he; and that if ever need was to look to* Lancaſhire *in our time, it was now.* Upon which the Lord *Wharton* was commanded to give thanks from the Houſe to the Lord *Strange*, for his timely Information of the danger of that County.

Wall committed to the *Fleet* for diſobeying the Order of the Aouſe.

Thomas Wall, one of the Door-keepers of the Houſe, being called in, to give an account of the delivery of the Order to the Juſtices of *Middleſex* and *London*, for the ſearching for Prieſts and Jeſuits laſt night; confeſſed, *That he did not deliver them the laſt night, but early this morning:* for which neglect of his, in a matter of that Conſequence, he was committed to the *Fleet*, until the pleaſure of the Houſe be further known, and never to attend upon the Houſe any longer.

Conference about the L. *Strange's* Letter.

The Lord *Strange's* Letter being ſent to the Commons, they deſired a Conference, which the Lord Keeper Reported to this Effect, *That they give their Lordſhips thanks for Communicating to them the Lord* Strange's *Letter; by which, and other Relations from Members of their Houſe, they hold that there may be juſt cauſes of thoſe fears.*

(1.) *They therefore deſire their Lordſhips Expedition of the Ordinance concerning the Earls of* Eſſex *and* Holland.

(2.) *An Anſwer concerning the ſecuring the Perſons of Recuſants.*

(3.) *Concerning the Government of the Iſle of* Wight, *and the fortifying the Forts of the Kingdom.*

(4.) *That the Magazines in the County of* Montgomery *may be Sequeſtred into other hands, for better ſecurity, they being now in the hands of a Servant of a great Recuſant.*

(5.) *That* Milford *Haven may be fortified.*

(6.) *That Sir* Simon Harcourt *may have a Commiſſion to levy Soldiers for the Service of* Ireland, *and that* Thurſday *next may be the longeſt time of his ſtay here.*

To theſe particulars the Lords gave theſe Reſolutions.

The Lords Anſwers.

(1.) *To the firſt, The Houſe will Debate the Ordinance about the Earls of* Eſſex *and* Holland *to Morrow Morning.*

(2.) *To the ſecuring of the Perſons of Recuſants agreed.*

(3.) *Touching the ſequeſtring of the Iſle of* Wight *into another hand, their Lordſhips will take the ſame into conſideration, when the Houſe of*

Commons preſent their Reaſons why it ſhould be taken out of the hand where it is now.

To the Forts, they have formerly given in an account of the ſtate of them, and of the Charge which will be requiſite to repair them, and that the Money muſt proceed from them.

(4.) *To the fourth, Agreed to.*

(5.) *To the Fifth, This Houſe thinks it fit, that* Milford *Haven be ſecured by appointing ſome Ships to ride in the Haven.*

(6.) *To the Sixth, The Lord Lieutenant of* Ireland *is to bring the Commiſſion to Morrow Morning, which he is to give to Sir* Simon Harcourt, *for levying Men for the Service of* Ireland.

This being done, the Lord Keeper was appointed to acquaint the Commons, who ſtayed in the Painted Chamber, with the aforeſaid Anſwers to their Propoſitions.

Mr. *Maxwell* the Gentleman-Uſher, gave this Houſe an account, *That according to their Lordſhips Order, he had ſearched diligently the Earl of* Worceſter's *Houſe for Prieſts and Jeſuits, but can find none.*

Mr. *Maxwell* upon ſearch finds no Prieſts.

In the Commons Houſe they were taken up with this new Plot, and preparing Heads for the forementioned Conference. And, which is omitted in the Lords Journal, it was deſired, *That the Information which* Beal *hath given, may be publiſhed.*

It was alſo Ordered, *That* St. German, *the* French-man, *be committed to the Priſon of the* Gate-houſe, *and that no Man be ſuffered to ſpeak with him, but in the preſence and hearing of a Keeper.*

St. *German* committed to the *Gate-houſe.*

They were ſtill buſie in Hammering and Filing of the Remonſtrance of the State of the Kingdom, as appears by this *Memorandum.*

Memorandum, *That an Addition be made to the Declaration to this purpoſe, to declare, That this Houſe intends to vindicate themſelves from the Imputations laid upon them of diſcouraging of Learning, and that they will advance Learning, and the maintenance of Preaching Miniſters.*

They were very tender it ſeems of their Reputation, but notwithſtanding their Declaration, it will remain an Eternal Riddle to Poſterity, how it can be poſſible to incourage Learning, by taking away the Rewards of Induſtry. And for their maintaining of Preaching Miniſters, they were as good as their Word indeed, by ſuffering all that would to Preach, and maintaining them in their Sacrilegious Uſurpations upon the Sacred Function.

Wedneſday. Novemb. 17.

Report was made this day by the Lords Committees for the *Iriſh* Affairs, *That the Committees of both Houſes for that buſineſs, have conſidered of theſe particulars.*

Iriſh Affairs.

That Power be given to the Lord Lieutenant of Ireland, *for rewarding of ſecret ſervices as is fit.*

That convenient Poſts be ſpeedily ſet up between Beaumaris *and* Holy-Head; *And that the State of* Scotland *be moved to have the like care for Poſts between* Carliſle *and* Port-Patrick.

That Directions be ſent by both Houſes of Parliament to the Lords Juſtices of Ireland, *concerning the Priſoners* Mac-Guire, *and* Mac-Mahon, *to be Conveyed into* England, *for their better ſecurity.*

That the Proteſtation taken by both Houſes, be taken by all Officers and Commanders, before they be employed in the ſervice of Ireland, *which Propoſitions being read, were Aſſented to.*

Meſſage to the Foreign Ambaſſadors concerning *Jones* and *Andrews*.

It was Ordered, *That the Right Honourable the Earl of* Briſtol, *the Earl of* Holland, *and the Lord* Brook *ſhall forthwith Repair unto the ſeveral Ambaſſadors, in and about the Cities of* London *and* Weſtminſter, *and deſire them from the Parliament to diſmiſs out of their Houſes, ſuch Prieſts as are the Kings Native Subjects, and in caſe they ſhall be hereafter found abroad, they ſhall not have any Protection, but be Proceeded againſt according to the Laws of the Kingdom; and to let them know, That if the Perſons of Father* Jones *and Father* Andrews, *who were Accuſed for Treaſon, be received into their Houſes, the Parliament deſires they may be preſently delivered up.*

Lord Lieutenant ſcruples the Validity of the Ordinance to Levy Men, without the Great Seal.

Upon ſome Queſtion made this day by the Lord Lieutenant of *Ireland*, whether the Ordinance of Parliament for the granting him Power to give Commiſſions to Levy men for the Service of *Ireland*, be of ſufficient Validity without a Confirmation from His Majeſty; *Thereupon the Houſe did undertake to be Suitors to his Majeſty, to confirm the Authority given to his Lordſhip by the King and the Parliament, under the Great Seal of* England; *And do Promiſe, That they will be always ready to avow his Proceedings upon their Lordſhips aforeſaid Orders in the mean time.*

The Lord Lieutenant delivered a Copy of a Commiſſion to be given to Commanders, for the Levying of Men for *Ireland*, which was Read and Approved of; the Contents were as follow.

Copy of a Commiſſion to Raiſe Men for *Ireland*.

Robert Earl of *Leiceſter*, Viſcount *Liſle*, Baron of *Penhurſt*, &c. One of His Majeſtie's Moſt Honourable Privy-Council, Lieutenant General of the Kingdom of *Ireland*, and General of His Majeſtie's Army there. To——Collonel——

W*Hereas the Lords Juſtices and Council of* Ireland, *have advertiſed our Soveraign Lord King* Charles, *and his High Court of Parliament now here Aſſembled, of a ſuddain Inſurrection, and Rebellion in* Ireland, *and have Humbly beſought His Majeſty to ſend ſome Succours unto his good Subjects there; And his Majeſty being now Abſent in his Kingdom of* Scotland, *hath recommended the Care of the ſaid Kingdom of* Ireland, *unto his Parliament of* England; *and that in purſuit of his Majeſtie's Pleaſure ſo ſignified, for as much as in this time of His Majeſtie's Abſence, his Royal Commiſſion according to the uſual form, cannot be ſo ſoon obtained as the neceſſity of the Kingdom doth require; The Lords and Commons of the ſaid Parliament now Aſſembled, have by their Ordinance of the* 6th *of this preſent Month of* November, *Authorized me by Warrant under my Hand and Seal, to give one or more Commiſſions to ſuch Captains, Commanders or other Officers, as to me ſhall ſeem expedient for the Levying of Forces, for the Defence of the ſaid Kingdom of* Ireland, *of ſuch Perſons as ſhall voluntarily undertake the ſaid Service; I do hereby Conſtitute and Appoint you Collonel of a Regiment af Foot-men, to ſerve in this preſent Expedition; which Regiment, you ſhall by Virtue of this Commiſſion forthwith Levy in ſuch parts of His Majeſtie's Kingdom of* England, *as you ſhall think fit for His Majeſtie's Service in this urgent occaſion: And this Regiment being Levied, you ſhall receive it into your Charge as Collonel, and conduct it to the*

the City of Cheſter, *where you ſhall Embarque it, and Tranſport it, with all poſſible ſpeed, unto the City of* Dublin, *in His Majeſties Kingdom of* Ireland, *and diligently Exerciſe your Regiment, Commanding all Officers and Soldiers of the ſaid Regiment, to obey you as their Collonel, for His Majeſtie's Service, according to the Commiſſion given you; And you are likewiſe to obſerve and obey ſuch Orders and Directions, as you ſhall receive from my ſelf, and the ſuperior Officers of the Army, according to the Diſcipline of War.* Given &c.

Novemb. 1641.

After which the Houſe entred upon the Debate of the Ordinance, for Enabling the Earl of *Eſſex* and *Holland* to raiſe the Trained-Bands; And after a long Debate it was Aſſented to with ſome little Alterations, and ſo ſent down to the Commons.

Ordinance to raiſe the Train Bands Aſſented to by the Lords.

It was this day Ordered, *That the Juſtices of Peace, and Deputy-Lieutenants, and all other His Majeſtie's Officers and Miniſters, in every County, ſhall take Care to put the Laws in Execution againſt thoſe Recuſants, That do not obſerve and obey the Order of this Houſe made the 16th of this Inſtant* November. *The Order was to Command them to depart from* London, *to their ſeveral Places of abode in their reſpective Countries.*

Order to put the Laws in Execution againſt Recuſants.

Mr. *Wiſeman* the Remembrancer of the City of *London*, gave the Houſe an Account, *That there hath been a ſearch made in* London, *for Prieſts and Jeſuits, and they could find none; but have Apprehended four Perſons who refuſe to take the Oaths of Allegiance and Supremacy;* Whereupon it was Ordered, *That the Recorder of the City of the ſaid City, ſhall Proceed againſt thoſe Perſons according to Law.*

No Prieſts to be found in the City.

In the Houſe of Commons, they fell upon the Buſineſs of the Plot of the Army; and the ſeveral Examinations being read, which were taken by the Deputed Lords, were tranſmitted to the Commons.

Commons Vote a ſecond Plot of the Army.

The Examinations were Mr. *Daniel O Neal's* taken *November* 13. Sir *Jacob Aſteleys* Examination, Sir *John Conyer's* his Examination, Sir *Charles Lucas* his Examination, *October* 29. A Second Examination of Sir *John Conyer's* which was taken *October* 30, which was twice read, as was alſo that of Captain *William Legg*, taken the ſame day. The Examination of Sir *Foulk Huncks* taken 29 of *October*, upon which the Houſe proceeded to this Vote.

Reſolved, &c.

That upon the Examinations now read, there is ſufficient Evidence for this Houſe to believe, That there was a ſecond Deſign to bring up the Army againſt the Parliament, and an Intention to make the Scotch *Army ſtand as Neutrals.*

It was Ordered, *That Sir* John Hippeſlley, *and Sir* John Franklyn, *ſhall appoint ſome Guards with Halberts to ſtand in places moſt convenient for the ſafety of this place.*

It was alſo Ordered, *That Mr.* Oneal *ſhall be allowed* 5 *l.* per *Week out of the Arrears of his pay from the time of his Committment, for his preſent maintenance.*

That Sir Simon Harcourt *ſhall have* 20 *s.* per diem *above his ordinary pay, as Commander of the Forces in* Dublin; *and that* 457. 6. 8. *being a months pay, ſhall be advanced for his Officers; and* 101 l. *for providing of Halberts, Enſigns and Partiſans.*

Orders

Novemb. 1641.

Orders were alſo iſſued from this Houſe to the Sergeant at Arms, attending the Houſe, to ſearch for Prieſts and Jeſuits; as alſo to the Lord Mayor and Sheriffs of *London*, to ſearch diligently in the City this night.

Thurſday, Novemb. 18.

The Lord Keeper did this day Report the Conference with the Commons, *That the Houſe of Commons were of Opinion, That there was reaſon enough for the Lords to joyn with them, for ſecuring the Perſons of Popiſh Recuſants; and that they were not ſatisfied with their Lordſhips Anſwer at this time, touching that buſineſs.*

The Commons Reaſons for ſecuring Popiſh Recuſants.

(1.) *Becauſe they conceive the Popiſh Recuſants are of as much danger, in the Country among their Friends and Neighbours of their Religion, as they are here at this time, eſpecially when they have liberty to go abroad.*

(2.) *That the Penalty is only againſt Convicted Recuſants, and the Houſe of Commons deſires it may be againſt ſuſpected Perſons, and Favourers of Recuſants.*

(3.) *It would ask too much time to ſtay for the putting of the Laws in Execution at this time; therefore the Houſe of Commons deſired that they may be ſecured by Impriſoning of their Perſons; and that for theſe Reaſons.*

(1.) *They always take ſecurity againſt the breach of the Peace, if it concern only a private Perſon; this is concerning the ſecurity of the whole Kingdom, none is ſo fitting to be given as the Impriſonment of their Perſons.*

(2) *That at this time they had reaſon to ſuſpect the Papiſts, and to ſecure them upon theſe Grounds.*

(1) *The Tye that lies upon their Conſciences to ſecure the Kingdom when it is in ſo much danger.*

(2) *Conſidering the Rebellion now in* Ireland, *for the Cauſe of Religion.*

(3) *Conſidering the Informations and Relations from ſundry Parts, of the danger of Recuſants here, and the Correſpondency is conceived they have with the Buſineſs in* Ireland.

(4) *Conſidering both Houſes had joyned by Ordinance to diſarm Recuſants according to Law.*

This the Houſe of Commons ſaid had been done formerly upon Suſpition of Danger, as in 88.

The Houſe of Commons intend this ſhould extend to the moſt Chief and Active Recuſants of the greateſt Quality and Danger, a Liſt of ſuch Names as they deſire may be ſecured, they will bring up very ſpeedily, and they intend they ſhould be as Hoſtages for the Peace and Security of the Kingdom, no hurt being meant to their Perſons. If this were not done, the Houſe of Commons ſaid, *They could not Anſwer for the Safety of the Kingdom.*

Next was reported the Reaſons of the Commons, why they deſired that the Government of the Iſle of *Wight*, being of ſo great Importance to this Kingdom, may be Sequeſtred for the preſent into another Hand.

Becauſe

Novem. 1641.

The Commons Reaſons for removing the E. of *Portland* from the Government of the Iſle of *Wight.*

Becauſe the Earl of Portland's *Father, Mother and Wife, were, and are Recuſants, and that a Siſter of his married a Recuſant, and if theſe Reaſons did not ſatisfy their Lordſhips, they deſired Liberty to bring up other Reaſons hereafter, as they ſhall think fit.*

The Lords Adjourned their Houſe into a Committee during pleaſure, to Debate theſe Matters, the Propoſition concerning ſecuring Recuſants, was deferred till the Commons brought up a Liſt of the Particular Names of the Recuſants, they deſired ſhould be Secured.

The E. of *Portland*'s defence.

When the other Propoſition about the Iſle of *Wight* came under Conſideration, the Earl of *Portland* affirmed, *That his Father lived and died a Proteſtant, as he can make it appear by credible Witneſſes, that were with him when he died; if his Wife be one, it was againſt his Will; and for himſelf, his Lordſhip proteſted, That his Father bred him a Proteſtant, and he would ever live and die one*: Which giving good ſatisfaction to the Houſe, it was Ordered to be put in Writing, and delivered at a Conference to the Houſe of Commons.

Mr. *William Crofts* was Sworn, and Ordered to be Examined before the Deputed Lords.

Meſſage from the *Venetian* Ambaſſador.

The Earl of *Holland* Reported, *That the* Venetian *Ambaſſador had been with him, and deſired, That the ill Expreſſions in his Paper may be Excuſed, for he profeſſes he meant nothing in derogation of any Member of this Houſe, but ſpoke it, as what Reputation other States had of ſuch an Action; and that he further ſignified, That he hath written a fair Letter to the State of* Venice, *concerning the opening of his Letters, which he hopes will ſatisfie them.*

Wall releaſed.

This day *Wall*, upon his Petition, was Releaſed from the *Fleet*, where he had been committed for neglecting to deliver the Order of the Houſe to ſearch for Prieſts and Jeſuits, but with this condition, not to be admitted any more to the Service of the Houſe.

Inquiry after the tranſporting of Horſes.

It was Ordered in the Commons Houſe, *That the Knights and Burgeſſes of the County of* Kent, *and the Barons of the Cinque-Ports do forthwith ſend to the Officers that do regiſter the Horſes that are Tranſported beyond the Seas, and to ſend up a Liſt of the Number of them that have been Tranſported within theſe 12 Months, and by what Warrant, and by whom ſuch Warrants were obtained.*

Though Diſloyalty to the King, and Diſobedience to the Church, which rarely are ſeen aſunder, began now to be much in Faſhion, and Eſteem, and to depreſs the Prerogative, and oppreſs the Church, were accounted Great Recommendations for men to ſet up for Patriots of the Country, and Reformers of Religion, yet wanted there not ſome Brave Spirits who to their Eternal Reputation, dareſt even in the face of the Breach indeavour to ſtop the Deluge of Schiſm and the Inundations of Errors, which they apparently ſaw muſt overwhelm the Church upon throwing down the Banks of Epiſcopal Order and Government. How Unwelcom theſe bold Truths were to the Faction, appears by an Order of the Houſe of Commons of this Day made purpoſely to diſcountenance Petitions of this Nature, for maintaining the Church Government as by Law it was Eſtabliſhed; and to deterr others from attempting to give them any Interruption in their pretended Reformation.

Order to diſcourage Petitioners for Epiſcopacy.

Ordered, That it be referred to the Committee for the Miniſters Remonſtrance, *to conſider what indiſcreet and irregular Wayes and Means* *have been Uſed to procure Hands to Petitions preſented or to be preſented for, or againſt Epiſcopacy.*

This latter clauſe, *or againſt*, was only for colour to make the other paſs more fairly; for it is Evident, that they themſelves were the Great Promoters of Petitions, not only againſt that, but for whatever they had a deſign to obtain, as will hereafter upon occaſion appear.

But upon this Occaſion I cannot but preſent the Reader with a Petition, which I find in a Collection of Petitions of the like Nature, Printed by His Majeſties particular Order, which though it came from one of the ſmalleſt Counties of *England*, yet had not the leaſt Learning or Reaſon; And if it received neither Countenance, nor Anſwer, it is not much to be wondred at, being indeed Unanſwerable. The Petition was as follows.

To the High and Honorable Court of Parliament.

The Humble Petition of the Knights, Eſquires, Gentlemen and Houſeholders in the County of Rutland, *in behalf of our Selves and our Families. And of the Parſons, Vicars, and Curates for the Clergy, in behalf of themſelves and their Families.*

The *Rutland*-Shire Petition for Epiſcopacy, *Nov.* 18. 1641.

“That whereas there have been diverſe Petitions exhibited to this Honorable Court, by Perſons diſaffected to the preſent Government, for the utter Extirpation of the Apoſtolical Government of the Church by Biſhops, they by Sedulity and Zeal ſupplying the want of fair Pretences, for the Abolition of that, which we hope no juſt Reaſon can Condemn: And on the other ſide, many Pious Perſons, true Sons of the Church of *England*, have repreſented their juſt Deſires of the continuance of it, upon great and weighty Cauſes, both in Divinity and true Policy; We alſo, leſt We might ſeem unconcerned, and for fear leſt our Silence ſhould be exacted as a Crime at our Hands, if We be deficient, to what We are perſuaded, is the Cauſe of God; In purſuance of their pious Intendments, and in allowance of their Reaſons, do alſo preſs to your great Tribunal, to beg of you to do that, which is the Honor of Kings, to be *Nutricii* of the Church, and her moſt Ancient and Succeſſive Government.

“We therefore humbly beg of you, to leave us in that ſtate the Apoſtles left the Church in; That, the Three Ages of Martyrs were governed by; That, the 13 Ages ſince them have always gloried in, by their Succeſſion of Biſhops from the Apoſtles, proving themſelves members of the Catholique and Apoſtolick Church; That, our Laws have Eſtabliſhed, ſo many Kings and Parliaments have protected, into which we were baptized; as certainly Apoſtolical as the Obſervation of the Lords Day; as the diſtinction of Books Apocryphal from Canonical; as that ſuch Books were written by ſuch Evangeliſts and Apoſtles; as the Conſecration of the Euchariſt by Presbyters; as any thing; which you will do by upholding the Government of the Church by Biſhops, which we again and again beg of you to do, having Pity on our Conſciences, and not forcing us to ſeek Communion as yet we know not where. So ſhall we be bound to pray with a Multiplyed

" Devotion for the increaſe of Publique and Perſonal Bleſſings to
" your Honorable Aſſembly, to your Noble Perſons.

" We alſo do with all humility beg leave to repreſent theſe our Con-
" ſiderations ſubjoyned, which we hope you will favourably Expound,
" to be a well-meant Zeal, and at leaſt a Conſcience of Duty and Charity
" to thoſe our Fathers, from whom we have received, and daily hope to
" receive many iſſues of Spiritual Benedictions.

(1.) *We Conſider, That Chriſt, either left his Church without a laſting Government, or elſe Biſhops, and Presbyters under them, are that Government: the former we fear to ſay, leſt we might ſeem to accuſe the Wiſdom of the Father of Improvidence, in the not providing for his Family; the Feeder and the Ruler in Scripture being all one in Office, in Expreſſion, in Perſon: So that if he left no Rulers, he left no Feeders; the later, We are more confident of, for that Chriſt did clearly inſtitute a Diſparity in the Clergy, which is the main Stone of Offence, appears in the Apoſtles and 72 Diſciples, to whom, according to the Voice of* Chriſtendome, *and traditive Interpretation of the Church, Biſhops and Presbyters, do reſpectively Succeed; and alſo many Actually did ſucceed the Apoſtles in their Chairs, being ordained Biſhops by the Apoſtles themſelves, that did Survive; And alſo beyond all Exception, that Chriſt did inſtitute a Government appears in thoſe Evangelical Words* (Who then is that faithful and wiſe Steward, whom his Lord ſhall make Ruler over his Houſhold, &c. *Luke* 12. 42.) *which Rulers, are Biſhops and Prieſts under them. or elſe the Church hath been Apoſtate from her Lord, She having clearly for* 1500 *Years had no other Rulers then ſuch.*

(2.) *We conſider that, Whether there can be a Church, or no, without Biſhops, is at leaſt, a Queſtion of great Conſideration; and the Negative is maintained by Apoſtolical and Primitive Men and Martyrs, and by the greateſt part of* Chriſtendom; *and thoſe few, in reſpect of the whole, that Diſſent, being moſt certainly not Infallible; to be ſure with Epiſcopacy, it may be a Church* Eatenùs, *therefore it is the ſureſt Courſe to retain it, for fear we ſeparate from the Church, the Pillar and Ground of Truth.*

(3.) *No Ordination was ever without a Biſhop, and if any Presbyter did impoſe Hands, unleſs in Conjunction with a Biſhop, he was accounted an Uſurper and Anathematized, by publick and unqueſtioned Authority; and ſo without Biſhops, no Presbyters, then no Abſolution, no Conſecration of the Sacrament of the Lord's Supper, and for theſe Wants, no Man can make a Recompence or Satisfaction.*

(4.) *No Presbyter did ever impoſe Hands on a Biſhop, which if ſo famous a Reſolve, or publick Voice of all* Chriſtendom, *may have an Eſtimate, ſhews their diſparity, and that a Biſhop hath a Character which cannot be imprinted without at leaſt an equal Hand.*

Viz. de jure, nec idem de facto, till 555 Years after Chriſt, and then but once in the Caſe of Pope *Pelagius* and that irregularly, and never ſince, unleſs by Papal Uſurpation.

(5.) *Without Biſhops, no Confirmation of Children, and yet Confirmation, called in Scripture impoſition of Hands, Saint* Paul *in his famous Catechiſm, accounts a Fundamental Point, and the Church hath always uſed it; and it was appropriate to Biſhops, by the laudable Cuſtom of* Chriſtendom, *and by the Example of the Apoſtles, in the Caſe of the* Samaritane *Chriſtians, whom* Philip *the Evangeliſt had Converted; and is charged upon the Parents of Children, that they bring their Children to Biſhops to be Confirmed: And it was never otherwiſe, but juſt as in the Caſe of Ordination,* videlicet, *by ſingularity and Uſurpation, till of late that the*

Novemb. 1641.

Jeſuits to inlarge their Phylacteries, have ſtriven to make Biſhops not neceſſary, by communicating Confirmation to Prieſts of their Order.

(6.) *To take away Biſhops, is againſt the Wiſdom of the State of* England, *ever ſince the Reformation, and having been attempted by Clancular Practiſes, was checked by the Princes reſpectively and their Council; and conſtantly by the Wiſdom of preceding Parliaments, and this, although the Biſhops then were leſs learned, and as much infamed.*

(7.) *We are ſure, that Epiſcopal Government hath conſiſted with Monarchy, ever ſince the* English *Monarchy was Chriſtian; and we are now to try whether any innovated Government can or will.*

(8.) *We conſider, That if it could conſiſt with Monarchy, when it was byaſſed by the Popes prevalent Incroachment, much more ſince the Reformation, when the King hath the Reins in his own Hand, and can give them Laws, and aſcertains them by their immediate Dependance, both for their Baronies and Election, and perſonal Juriſdiction on the Crown, and by the Statute of Submiſſion.*

(9.) *We conſider, That St.* Hierome *pretended as the main Authentick Enemy againſt Epiſcopacy, yet ſayes in* Comment. in Epiſt. ad Titum, *That Biſhops were conſtituted, as an Antidote and Deletory, to diſimprove the Iſſues of Schiſme, and that by the Apoſtles, who beſt knew the Remedy. And now that Schiſmes multiply, there is more need of Biſhops, ſo that they cannot be taken away, upon pretence their Regiment is not neceſſary, for the taking them away muſt multiply Schiſms.*

(10.) *All Learning will be diſcountenanced, if not extinguiſhed, upon the Demolition of Epiſcopacy, the Biſhops being Parties for the Advancement of Learning: and on the other ſide, if the Government ſhould be in the Hands of Presbytery or Lay-Elders, We know no Reaſon ſufficient to ſtifle our Fears, leſt preferment be given to people unlearned, and unfit to have the managing of Souls, eſpecially ſince a learned Clergy; will be ſuſpected by their Lay Elders, as too knowing to be ruled by their Dictates, which will not have ſo much Artifice and fineneſs, as to command by Strength of Reaſon: our Fears are alſo increaſed, by conſidering that by the multiplication of Lay Elders or other Governors, their perſonal Intereſt being increaſed, partiality muſt be more frequent, and all this is beſides their incompetency of Judging the Abilities of Scholars.*

(11.) *The removal of Biſhops would be a Scandal, not only to many weak Chriſtians, who fear all Innovations as guilty of ſome ill Intendments upon their Conſciences, but alſo to the ſtrongeſt, which ſhews it to be the fault of the Giver, not the Weakneſs of the Receiver; and if we muſt not Scandalize our weak Brethren, much leſs our Strong; ſince this will intrench upon us in a high meaſure, they not being apt to be Scandalized upon Umbrages and Impertinences.*

(12,) *Where Biſhops are not, there is not an Honorable, but fellow-like Clergy, againſt the Apoſtolical Rule of double Honor.*

(13.) *By putting down Epiſcopacy, We deprive our ſelves of thoſe ſolemn Benedictions, which the Faith of* Chriſtendom, *and the Profeſſion of the Church of* England, *enjoyning the Biſhops rather to pronounce the Bleſſing at the end of the Communion, appropriates to Epiſcopal Preheminence above Prieſtly Authority.*

(14.) *Two Parts of Three of the Reformed Churches, are governed by Biſhops, or Superintendents, which is properly the Latin Word for Biſhops, and the other Part that wants them, have often wiſhed them, as their own Doctors do profeſs.*

(15.) *It is againſt the Liberties of the Clergy, indulged to them by the* Magna Charta, *Granted and Confirmed by ſo many Kings, and about* 30 *Parliaments in expreſs Act, and the Violation of any Part of it, by intrenchment upon the Right of the Lay Subject, juſtly accounted a great Grievance, the Charter it ſelf, being as Fundamental a Law, as we conceive, as any other, and any of us may fear, leſt his Liberties may be next in Queſtion.*

(16.) *The four great General Councils in Eſtimation, next the four Evangeliſts, and by the Statutes of this Kingdom, made the Rules of Judging Hereſies, were held by Biſhops; the greateſt Fires and Peſts of* Chriſtendom, *the Old Hereſies, were by their Induſtry extinct; Church Diſcipline and Pious Conſtitutions by them Eſtabliſhed, many Nations by them converted, many Miracles done for the Confirmation of the Chriſtian Faith, one of the Goſpels written by a Biſhop (St.* Mark *of* Alexandria*) if we believe as authentick Records as any are extant; Three of the Epiſtles of St.* Paul *written to Biſhops, ſeven Epiſtles by the Holy Ghoſt himſelf, recorded in the Revelation, and ſent to the Seven* Aſian *Biſhops, as all ancient Fathers accord;* * *the Names of twelve Men, beſides Apoſtles, mentioned in Holy Scripture, which all Antiquity reports to have been Biſhops; moſt of the Fathers, whoſe Works all Poſterity embraces with much Zeal and Admiration, were Biſhops; theſe alſo in our Apprehenſions, advance that Holy Function to a high and unalterable Eſtimation.*

* *Timotheus, Titus, Clemens, Limus, Marcus, Dyoniſius, Oneſimus, Caius, Epaphroditus, Jacobus Hieroſolimit. Euodias, Simeon.*

(17.) *Very many of the faireſt Churches, and Colleges, and Places of Religion, were built by Biſhops; which are fair Characters to ſhew their promptneſs to do Publick Acts of Piety, and that Perſons ſo well qualified as they were, that is, Governors and Clergy, and fairly endowed, is an excellent Compoſition to advance publick Deſigns, for the Honor of God, in the Promotion of Publick Piety.*

(18.) *Since it hath pleaſed this Honorable Court of late to commend a Proteſtation to Us, which We by ſolemn Vow engaged our ſelves to Atteſt with our Lives and Fortunes, the eſtabliſhed Doctrine of the Church of* England, *We conſider that ſince the* 36 *Article hath approved, and eſtabliſhed the Book of Conſecration of Biſhops, the Abolition of Biſhops would nullifie that Article, and ſhould We not make humble Remonſtrance to the contrary, we ſhould ſuddenly recede from our great and ſolemn Proteſtation, for maintenance of our Church Doctrine.*

But may it pleaſe this Honorable Aſſembly, We conſider on the other ſide:

(19.) *The introducing of Lay Elders, muſt bring an inſupportable Burthen to all Pariſhes, by maintaining them at the Pariſh Charge, for they muſt be maintained, or elſe a Tranſgreſſion is made againſt the Apoſtolical Rule,* Tim. 5. *for the principal, and indeed only colourable pretended Place for Lay-Elders, injoyns their Maintenances, ſo that either the People muſt be Oppreſſed with ſo great a Burthen, or elſe St.* Paul's *Rule not obeyed, or elſe there is no Authority for Lay Elders, as indeed there is not.*

(20.) *And alſo there can be no leſs fear of Uſurpation, upon the Temporal Power by the Presbytery, then is pretended from Epiſcopacy, ſince that Presbytery challenges Cogniſance of more Cauſes and Perſons then the Epiſcopacy does, ſo making a dangerous Entrenchment upon the Supremacy, and derives its Pretence from Divine Inſtitution, with more Confidence and more immediate derivation then Epiſcopacy, though indeed more vainly, as We conceive.*

(21.) *We crave leave alſo to add this, That theſe two* viz. *Epiſcopacy and*

November, 1641.

and Presbytery, being the only two in conteſtation, if any new Deſign ſhould juſtle Epiſcopacy, we are confident, that as it hitherto wants a Name, ſo it will want a Face or Form of Reaſon, in caſe of Conſcience, when it ſhall appear.

Signed by Knights, Juſtices, Gentry and
Free-Holders about } 800
By Miniſters, about the Number of —— 40.

Though this Number ſeem but ſmall, yet the County is ſo too, and certainly the Reaſons which they offered were great, and altogether unanſwerable. But the Word of the Faction was, *Delenda eſt Carthago,* Root and Branch muſt up, though the 12 Apoſtles themſelves had Petitioned them, and remonſtrated againſt this Violent and Anti-Chriſtian Enterprize, as in reality both they and all Apoſtolick Men, as is well urged, in this Petition, did.

Friday, Novemb. 19. Officers of the late Army Petition for their Pay.

This day a Petition was read in the Houſe of Lords, Preſented by the Colonels and Chief Commanders in the late King's Army, ſhewing, *That whereas there was a Truſt deſired by the Parliament of the ſaid Officers for part of their Pay, and thereupon an Act was made for their ſatisfaction to be given poſitively on the* 10th *of this Inſtant* November. *They therefore deſire, That the Parliament may be moved to make good their Act. Whereupon it was Ordered to be propounded to the Commons at a Conference.*

The Preſs breaks looſe againſt Church and State.

The Preſs now began to break looſe, as indeed every thing that looked like Order, ſeemed to be wholly Abandoned to Libertiniſme both in Church and State, for daily Complaints were made of abuſive Pamphlets againſt both particular Perſons and the Government Civil and Eccleſiaſtical: Complaint had been ſome time before made to the Houſe, of a Libel againſt the Earl of *Worceſter*, another againſt the *French* Ambaſſador, a third for Printing and Publiſhing a Book Intituled, *Leiceſter's* Commonwealth, upon all which the Honourable Houſe of Lords, who had not yet ejected the Biſhops and others of the Loyal Nobility had animadverted; and this Day it was Ordered, *That* Lewis Hughs *a Miniſter be ſent for to attend this Houſe, to ſee if he will avow the making of a Book Intituled,* The Grievances and Errors of the Service-Book, *and that the Company of the Stationers, do take Care to find out the Printer of the ſame.*

Wall reſtored to his Place.

Ordered, *That* Thomas Wall *ſhall be reſtored to his former Imployment, about the Upper Houſe of Parliament, which, although it is in the Gentleman Uſhers diſpoſure, yet the Lords do preſume, that he will give way unto it, by reaſon that his Diſmiſſion from the Imployment, was by Order of this Houſe, for the neglect of his Duty to their Lordſhips only and the Buſineſs that concerned the Houſe.*

The Commons were ſtill buſy with the Declaration, which having been the Work of many Daies and ſome Nights, the Faction watching the opportunity of a thin Houſe, when moſt of the Loyal Party were tired and riſen, was at laſt brought to that perfection, that it was Ordered to be Ingroſſed.

A Motion was made for encouraging voluntary Contributions for the Relief of the poor *Engliſh* in the Kingdom of *Ireland*, to which Sir *John Packer* preſently gave 100 *l.*

Thurſday, Novemb. 20.

The Lord *Brooks* acquainted the Lord, *That he had informed the* Venetian *Ambaſſador with the Order of this Houſe, concerning Prieſts and Jeſuits,*

ſuits, and the Ambaſſador ſaith, he hath none that are the King's Native Subjects, if he had any ſuch, he would diſcharge them; as for Father Jones *and Father* Andrews, *he ſaith, he knows none ſuch.*

Philips the Prieſt Petitions to be releaſed from the Tower.

The Petition of *Robert Philips* the Prieſt was read, *Craving Pardon for having preſented formerly to their Lordſhips, ſuch Petitions as have not afforded expected Satisfaction, which he humbly beſeecheth may not be imputed to his backwardneſs, but rather unto want of Experience, in forming Petitions of that Nature. And further he beſeecheth their Lordſhips to believe, that from his Heart, he is ſorry for having adminiſtred unto their Lordſhips, any Occaſion of ſo high an Offence, by letting fall Words touching the Bible of the Church of* England, *and proteſteth, that his Deſign was not to affront their Lordſhips, or the profeſſed Religion of this Kingdom; and he did aſſure their Lordſhips, That as all Catholick Subjects have ever done, ſo he did neither refuſe to ſwear upon the* Engliſh *Bible, nor held himſelf diſobliged to Anſwer truely whatſoever was Demanded.*

He therefore humbly beſeecheth their Lordſhips to Pardon his great Offence, upon this his humble Submiſſion and Acknowledgment, and to grant his Inlargement, aſſuring their Lordſhips he is moſt willing and ready, not only to depoſe the Truth (as by his Oath he is bound) in whatſoever ſhall be Interrogated in this particular Cauſe, but alſo ſhall ever Pray, &c.

Upon which their Lordſhips ſent a Meſſage to the Commons, giving them an account of this Petition, and to let them know, that having given this Satisfaction, they were inclined to Pardon him, but will not releaſe him out of his Impriſonment, before they had acquainted them therewith, according to their Lordſhips former Ingagement.

Sir *Henry Vane* brought up a Liſt of the Names of ſuch Papiſts, as the Houſe of Commons deſired ſhould be ſecured; as alſo an Order for the Lord Admiral to ſet forth 4 Ships for the Service of *Ireland*, in which they deſired the Lords to joyn with them.

Letters from *Ireland*.

Then were read two Letters, from the Lords Juſtices in *Ireland*, dated *Nov.* 13*th* 1641. the one to the Lord Keeper, the other to the Lord Lieutenant, the Purport of which was,

That ſome Ships may be appointed to Guard the Coaſts of Ireland, *That the Rebels have taken divers Houſes and Caſtles, That they have ſpoiled the County of* Cavan, *and have made a Remonſtrance of the Ground of their Revolt.*

They deſire that 10000 *Foot, and* 1000 *Horſe with Arms and Munition and* 100000 l. *be preſently ſent them, with a Supply of Victuals and Oats for Horſes.*

And laſtly, they preſented an Examination of one William Shales, *taken the* 10th *of* November *upon Oath, miniſtred by the Clerk of the Council of* Ireland *by Direction of the Board, which Examination was read in the Houſe, as followeth.*

Shales's Accuſation of Sir *Henry Beddingfield* of *Oxborough* Hall in *Norfolk*.

William Shales, *Sergeant of the Foot Company under the Command of Sir* Arthur Loftus *Knight, ſaith, That about the latter End of* April *laſt, he being then in* Norfolk *at* Oxborough *Hall in the Houſe of Sir* Henry Beddingfield, *the ſaid Sir* Henry *hearing that this Examinant was lately come out of* Ireland, *ſent for him in to his Garden, whither when he came, he found the ſaid Sir* Henry *walking with one* Poole, *(whom this Examinant ſuppoſeth was a Prieſt) and ſaith, That as ſoon as he came into the ſaid Garden, the ſaid Sir* Henry *asked him whether he knew how the* *ſtate of* Ireland *then ſtood? To which the Examinant ſaid, That he thought that all things were quiet and at Peace there. Why (quoth Sir* Henry*) doth the Army there do nothing! To which the Examinant Replied, That they carried themſelves quietly, and that any man might walk in* Ireland *with a Thouſand pounds and a Wand only in his hand. He ſaith alſo, That the ſaid Sir* Henry *told him, That he was about to take a Houſe in* Kilkenny *of one of the* Butlers, *for that there was no ſafety in* England *for any of his Religion; and asked of the Examinant, Whether there were any good Hawking thereabouts? To which the Examinant ſaid That there was. Then the ſaid Sir* Henry *ſaid, That now his Mind was altered, and that he meant to ſtay in* England; *and added, That he did believe, that before* Chriſtmaſs *Day next, there ſhould be ſeen ſuch Combuſtions in* England *and* Ireland, *as the like were never ſeen before; and thereupon Curſed the* Scots *as Authors of theſe Troubles.*

Jurat. Coram nobis William Shales.
Ja. Ware,
Rob. Meredith.

Whereupon it was Ordered, *That Sir* Henry Beddingfield *ſhould be ſent for in ſafe Cuſtody by the Gentleman Uſher of the Houſe, and none permitted to ſpeak with him but in the preſence of the Meſſengers, and that his Study ſhould be ſealed up by the two next Juſtices of the Peace till the further Pleaſure of the Houſe be known.*

Sir *Thomas Barington* brought up a Meſſage from the Commons, to deſire *that* Phillips *the Prieſt may not be releaſed of his Impriſonment until they be firſt made acquainted with it.* To which the Lords aſſented, and appointed the Earl of *Dorſet* the Queens Chamberlain, to give her Majeſty an account of theſe proceedings.

The Liſt of the Prime Papiſts, who were deſired to be ſecured by the Houſe of Commons.

Next the Liſt of Recuſants Names were read, which the Houſe of Commons deſire may be ſecured, which were as follows:

In the County of *Lancaſter*,

Mr. *Preſton* of the Mannor.
Mr. *Clifton* of *Litham.*
Mr. *Chorley.*
Sir *William Gerrard.*
Mr. *James Anderton* of *Clayton*, Sen.
Mr. *Blundel* of *Crosby.*
Mr. *Robert Cranfield* of *Robbs* Hall.
Sir *John Talbott.*
Sir *Cecil Trafford.*
Mr. *Hugh Anderton* of *Eurton.*
Sir *Alexander Barlow.*

In the County of *Stafford.*

Sir *Richard Fleetwood,* Baronet.
Mr. *Jo. Wells* of *Horecroſs.*
Mr. *Dreycott* of *Painſley.*
Mr. *Peter Gifford* of *Chillington.*
Mr. *Tho. Leveſon* of *Aſhburn.*
Mr. *Francis Harcott.*

In the County of *Southampton.*

Lord *Stourton.*
Mr. *Gage* of *Bawbridge.*
Mr. *John Biſhop* of *Pilewell.*
Lord *Baltimore.*
Mr. *William Owen* of *Abberſton.*
John Arundell Eſquire.

In

Novemb.
1641.

In the County of *Suſſex.*

Lord Viſcount *Mountague.*

In the County of *Warwick,*

Robert Throgmorton Eſquire.
Mr. *Morgan* of *Weſton.*
Mr. *William Sheldon* of *Weſton.*
Sir *Charles Smith.*

In the County of *Montgomery.*

Sir *Piercy Herbert* Knight.

In the County of *Worceſter.*

The Earl of *Shrewsbury.*
Francis Hanford Eſquire.
Mr. *Walter Blunt.*
Edward Sheldon Eſquire.
Mr. *William Abbington* Jun.

In the County of *Cheſter.*

Mr. *Poole* of *Poole.*
Mr. *Starkey* of *Darley.*
Mr. *Stanley.*

In the County of *Monmouth.*

The Earl of *Worceſter.*
Sir *Charles Sommerſett.*
Mr. *Morgan* of *Llantern.*

In the County of *Pembroke.*

Sir *Nicholas Lewis.*

In the County of *Suffolk.*

Sir *Robert Rookwood.*

In the County of *Salop.*

Thomas Unton Eſquire.

In the County of *Northumberland.*

Roger Widdrington Eſquire.

In the County of *Northampton.*

The Lord *Brudnell.*
Mr. *Poulton.*
Mr. *Sanders.*

In the County of Dorſett.

John Webb of *Cansford.*

In the County of *Lincoln.*

Sir *John Thimbleby* Knight.
Ralph Evers of *Waſhingborough.*
Mr. *Townley* of *Norton.*
Edmond Thorold of *Hough,* Eſq;
Anthony Mounſon.

The Lord *Harris.*
Lord *Arundel* of Wardour.
Sir *Kenelm Digby.*
Sir *John Symonds.*
Sir *John Winter.*
Sir *William Mounteth.*
Lord *Herbert.*
Sir *Robert Lyme.*
Sir *Baſil Brook.*
Sir *Alexander Gordon.*
Sir *William Mounſon.*
Sir *Henry Gifford.*

Novemb. 1641.

After which it was Ordered, That the Conſideration of this Liſt ſhould be debated upon *Munday* following.

In the Houſe of Commons they were ſtill upon the great work of the Declaration of the State of the Kingdom, which was not ſo ſmoothly carried, but that it met with great Oppoſition even from many who before they ſaw that this pretended Reformation muſt inevitably End in Anarchy and Confuſion in the Church, appeared Vigorouſly for it. And here I cannot omit a very Remarkable Paſſage, and Speech of Sir *Edward Deering*'s Collection of his own Speeches; which take in his own Words.

“Upon occaſion of the *Remonſtrance*, 19*th Novemb.* wherein divers paſſages then were, concerning Religion and the Church Government, and ſome in particular, as I conceived, very aſperſive to our Religion in the ſolemn Practice of it by our publick Liturgie; * charging it, *in Hypotheſi*, with vain Repetitions, and with ſavour of Superſtitions: I did humbly move, That ſome of that Committee, who framed up that *Remonſtrance* for us, would pleaſe to aſſign what thoſe vain Repetitions are in our Liturgy, and what paſſages of Superſtition?

* This Charge, upon this occaſion, was afterwards Expunged the Declaration.

“Nothing at all was ſaid, as I remember, to that point of Superſtition: But at length a Gentleman did adventure to name that which he ſeemed to think to be vain Repetition: He ſaid, That the Lords Prayer is 8 or 9 or 10 times repeated. I did with the Leave of the Houſe reply, That ſuch Repetition, *toties quoties*, how oft ſoever, was, if heart and words did go together, far from vain. That in my Book, the Lords Prayer was but twice in the whole Morning Service, unleſs the additionals of Baptiſme, Churching, Communion, Burial, &c. did occur. That then in every ſeveral Act of Divine Service, it was once, and but once repeated, as the high compleature of all our devout Expreſſions.

“That this Repetition in it ſelf was warrantable, as by our Saviours Example, who, although he had not the Spirit by meaſure, yet in the Garden he prayed three times, uſing the ſame Words.

“The further debate of this was put off till the next day, and then it did grow toward a Queſtion, *Whether all Exceptions againſt the Liturgie ſhould be totally laid by, or further debated?* I did not hold our ſelves the proper Judges of this point. I did think that from hence occaſion might again be taken inductive to renew my Motion for a free National Synod; which I deſired to enforce the beſt I could; Eſpecially there being now obtained a general promiſe of a Synod in this very part of that Declaration or Remonſtrance. Hereupon I thus adventured.

Sir *Edward Deering*'s Speech about the Declaration of the State of the Kingdom, *Nov.* 20. 1641.

Mr. Speaker,

The Queſtion is, whether theſe Clauſes concerning ſome pretended Erroneous Paſſages in our Liturgy, ſhall be laid by or not. I am of Opinion to decline them here: but not to bury them in a perpetual ſilence.

In this very Period you give us in general terms, a promiſe of a National Synod: I do ſtill wiſh the preſence thereof; it being to my underſtanding the only proper Cure and Remedy for all our Church diſtractions; and may be proved, if proof be needful, to have been practiſed in the Book of God.

This promiſed Synod is too far off: let me have a better aſſurance then a promiſe, which that I may obtain, I will be bold to give you ſome reaſons, to introduce that Aſſembly is to ſpeed it alſo.

Mr. Speaker, much hath been ſaid and ſomething attempted to be done to regulate the Exterior Part of our Religion: but Sir we bleed inwardly. Much endeavour hath been to amend the deformed Forms we were in, and to new Govern the Government: Yet, Sir, this is but the leaves of good Religion, fit, I confeſs notwithſtanding, to be taken care of for Beauty and for Ornament. Nay ſome leaves are fit and neceſſary to be preſerved for ſhaddow and for ſhelter to the Bloſſoms and the Fruit.

The Fruit of all is good life: which you muſt never expect to ſee, unleſs the Bloſſoms be pure and good, that is, unleſs your Doctrines be ſound and true.

Sir, Sir I ſpeak it with full grief of heart, whil'ſt we are thus long Pruning and Compoſing of the Leaves, or rather whil'ſt ſome would pluck all Leaves away, our Bloſſoms are blaſted; and whilſt we ſit here in Cure of Government and Ceremonials, we are poyſoned in our Doctrinals. And at whoſe door will the Guilt and Sin of all this lye?

Qui non vetat peccare cum poteſt, jubet.

It is true, that this miſchief grows not by our conſent: and yet I know not by what unhappy fate, there is at preſent, ſuch an all-daring Liberty, ſuch a lewd licentiouſneſs, for all Mens venting their ſeveral Sences (ſenceleſs Sences) in matter of Religion, as never was in any age, in any Nation, until this Parliament was met together.

Sir, it belongs to us, to take heed that our countenance (the countenance of this Honourable Houſe) be not proſtituted to ſiniſter ends by bold Offenders. If it be in our power to give a remedy, a timely and a ſeaſonable remedy, to theſe great and growing Evils, and that we (being alſo put in mind) ſhall neglect to do it, we then do pluck their ſins upon our own heads.

Alienum qui fert ſcelus, facit ſuum.

Shall I be bold to give you a very few inſtances? one for a hundred, wherewith our Pulpits do groan?

Mr. Speaker, There is a certain new-born, unſeen, ignorant, dangerous, deſperate way of Independency; Are we, Sir, for this Independant way? Nay (Sir) are we for the elder Brother of it, the Presbyterial Form? I have not yet heard any one Gentleman within theſe walls ſtand up and aſſert his thoughts here for either of theſe ways: and yet (Sir) we are made the Patrons, and Protectors of theſe ſo different, ſo repugnant Innovations: witneſs the ſeveral dedications to us.

Nay both theſe ways, together with the Epiſcopal, come all ruſhing in upon us, every one pretending to a Fore-head of Divinity.

1. Epiſcopacy *ſays its by divine right; and certainly Sir, it comes much nearer to its claim then any other.*
2. Presbytery, *That ſays it's by divine right.*
3. *Nay, this Illegitimate thing, this New-born Independency, that dares to ſay it's by divine right alſo.*

Thus the Church of *England* (not long ſince the Glory of the Reformed Religion) is miſerably torn and diſtracted. You can hardly now ſay, which is the Church of *England.* Whither ſhall we turn for Cure.

Another inſtance. If I would deal with a Papiſt, to reduce him; He anſwers, I have been anſwered ſo already: To what Religion would you perſwade me? What is the Religion you profeſs? Your 39 Articles they are conteſted againſt: your publick ſolemn Lyturgy that is deteſted: * And which is more then both theſe, the 3. Eſſential, proper, and only Marks of a true Church, they are proteſted againſt: what Religion would you perſwade me too? where may I find and know, and ſee, and read the Religion you profeſs? I beſeech you Sir, help me an anſwer to the Papiſt.

Nay Sir, the Papiſt herein hath aſſiſtance even among our ſelves, and doth get the Tongue of ſome men whoſe hearts are far from him. For at one of your Committees, I heard it publickly aſſerted, by one of the Committee, that ſome

* Proteſtation proteſted, denies the Church of *England* to have the 3 Marks of a true Church.

ſome of our Articles do contain ſome things contrary to Holy Scripture.

Mr. Speaker, *Sunday is a Sabbath*: *Sunday is no Sabbath*: Both true, both untrue, in ſeveral acceptations, and the knot I think too hard for our Teeth. Shall I give you an eaſier inſtance?

Some ſay it is lawful to kneel at receiving the Elements of our Holy Communion: others Plead it as expedient: Some do preſs it as neceſſary: and there want not others who abhor it as Idolatrous. And Sir, I am confident you cannot ſo ſtate this eaſie queſtion to paſs among us, but that there will be many *Contradicentes*.

The Second Epiſtle of St. *Peter* is now newly denyed to be the Apoſtles. Our Creed, the Holy Apoſtles Creed, is now diſputed, denyed, inverted and exploded, by ſome who would be thought the beſt Chriſtians among us. I ſtarted with wonder, and with anger, to hear a bold Mechanick tell me that my Creed is not my Creed. He wondred at my wonder and ſaid, *I hope your worſhip is too wiſe to believe that which you call your Creed.*

The Miniſters in their Remonſtrance do complain that the Creed is often rehearſed, but they blotted out (what they had put in) that it is overſhort, and in one place dangerous obſcure.

O Deus bone in quæ tempora reſervaſti nos! Thus Ἑνὸς ἀτόπου δοθέντος ϗ τ' ἄλλα συμβαίνει. One abſurdity leads in a thouſand, and when you are down the Hill of Error, there is no bottom, but in Hell, and that is bottomleſs too. Shall I be bold to give you one (and but one) inſtance more? much clamor now there is againſt our publick Lyturgy, though hallowed with the Blood of ſome of the firſt Compoſers thereof. And ſurely Sir, ſome parts of it may be well corrected. But the clamors now go very high. Impudence or Ignorance is nown grown ſo frontleſs, that it is lowdly expected by many that you ſhould utterly abrogate all forms of publick worſhip (*a*) and at leaſt if you have a ſhort Form, yet not to impoſe the uſe of it, Extirpation of Epiſcopacy, that hope is already wallowed, and now the ſame Men are as greedy for abolition of the Lyturgy: that ſo the Church of *England* in her publick Prayers (*b*) may hereafter turn a babler at all adventure. A brainleſs, ſtupid, and an ignorant conceit of ſome.

a As for them who admit a form to be lawful, yet do declaim againſt Authority for commanding and impoſing the uſe of it, It is to me a wonder and abſurdity, that a juſt Authority may not bind that to be done by a Law, which is (as they confeſs) lawful in it ſelf both to have and uſe. *b* In a falſe Copy abroad, inſtead of *may hereafter*, the ſilly Tranſcriber put in *Nay*, *her afferture*, which hath been ſome diſpleaſure unto me.

Thus much for a taſte of that, whereof there is two much abroad, for the diviſions of *Reuben*, there are great thoughts of heart abroad. (Sir) Thus are we engaged into ſad points of Divinity, and with the favour of that Gentleman, who did laſt time diſguſt it, I muſt again propound my doubtful *quære*, to be reſolved by the wiſdom of this Houſe: whether we be *Idonei & competentes judices* in doctrinal reſolutions?

In my Opinion we are not. Let us maintain the Doctrine Eſtabliſhed in the Church of *England*, it will be neither ſafety nor wiſdom for us to determine new.

(Sir) I do again repeat and avow my former words, and do confidently affirm, That it was never ſeen, nor known in any age, in any Nation throughout the whole World, that a Set of Lay-men, Gentlemen, Soldiers, Lawyers of both Gowns, Phyſicians, Merchants, Citizens, all profeſſions admitted, or at leaſt admittable, but the Profeſſors of Religion alone excluded, that we ſhould determine upon Doctrines in Divinity.

Shall the Clergy hold different Doctrines from us? or ſhall our determinations bind them alſo? They are a conſiderable body in this Kingdom; they are (herein ſurely) concerned as much as we, and ought not to be bound up unheard and unpartied.

Farther (Sir) If Clergy-men among us be thought fit for no other then for ſpiritual imployment; How ſhall we anſwer it to God, and to a good Conſcience, if we ſhut them out from that which we our ſelves pretend to be their only and their proper work?

Mr. Speaker, We cannot brag of an unerring ſpirit: infallibility is no more tyed to your Chair, then it is unto the Popes. And if I may ſpeak truth, as I love truth with clearneſs, and with plainneſs, I do here ingeniouſly profeſs unto you, that I ſhall not acquieſce, and ſit down upon the doctrinal reſolutions of this Houſe: unleſs it be where my own *Genius* doth lead and prompt me to the ſame concluſions.

Mr. Speaker, We are Convened by his Majeſties Writ to Treat *Super arduis negotiis regni & Eccleſiæ*, I beſeech you let us not turn *negotia Eccleſiæ* into *dogmata fidei*. There is a great difference in *Objecto* between the Agends and the Credends of a Chriſtian. Let us take care to ſettle the Government, that we do not unſettle the Doctrines.

The ſhort cloſe of all with a motion is but this: we are poyſoned in many points of Doctrine: And I know no Antidote, no *Recipe* for cure but one: a well choſen and well temper'd National Synod, and God's Bleſſing thereon: this may cure us: without this (in my poor opinion) *England* is like to turn it ſelf into a great *Amſterdam*. And unleſs this Council be very ſpeedy, the Diſeaſe will be above the Cure.

Therefore, that we may have a full fruition of what is here but promiſed: I do humbly move that you will command forth the Bill for a National Synod, to be read the next morning. I ſaw the Bill above five Months ſince in the hand of a worthy Member of this Houſe. If that Bill be not to be had, then my humble Motion is, (as formerly) that you would name a Committee to draw up another.

This being once reſolved, I would then deſire that all Motions of Religion, (this about the Lyturgy, eſpecially) may be transferred thither, and you will find it to be the way of Peace and Unity amongſt us here.

I might have added in due place above, a mention of (1.) Frequent Schiſmatical Conventicles. (2.) That Taylors, Shoomakers, Braziers, Felt-makers, do climb our publick Pulpits. (3.) That ſeveral odd irregular Faſts have been held, for partial venting of private flatteries of ſome; ſlanders of other Members of this Houſe. (4.) That the diſtinction of the Clergy and Laity is Popiſh and Antichriſtian, and ought no longer to remain. (5.) That the Lords Prayer was not taught us to be uſed. (6.) That no National Church can be a true Church of God. (7.) That the viſible Church of Antichriſt did make the King Head of the Church. (8.) That ſupreme power in Church Affairs, is in every ſeveral Congregation. (9.) That a Presbytery without a Biſhop was in the World before it was at *Geneva*. (10.) That it is a hainous ſin to be preſent when Prayers are read out of a Book. (11.) That to communicate in preſence of a Prophane Perſon, is to partake of his prophaneneſs. (12.) That Chriſts Kingdom hath been a Candle under a Buſhel, whilſt Antichriſt hath out-raigned him for 1600 years together.

Many more inſtances at little leiſure I can gather, which together have begotten a general increaſe of open Libertiniſme, ſecret Atheiſme, bold Arminianiſme, deſperate Socinianiſme, ſtupid Anabaptiſme, and with theſe the new Chiliaſtes, and the wilfulneſs of Papiſts ſtrangely and ſtrongly confirmed by theſe diſtractions.

Good God! look down and direct our conſultations. The beſt Iſſue whereof (I think) would be to debate the whole debate of Religion out of our Doors: by putting it into a free Synod, whereupon I doubt not but we ſhould grow unanimous in all our other works.

So that from this Speech here is an undeniable Authority how from the Infancy of this Idol of Presbyterian Reformation, Hell ſeemed to be broke looſe, and all the ſeducing Spirits aſſiſted the beginnings of it. And certainly the effects of it we ſtill feel at this day, God Grant our Poſterity may not do ſo too.

Tueſday, Novemb. 22. **The Reſolution of the Lords concerning ſecuring of the Recuſants in the Liſt, ſent up to the Commons.**

This day the Lords entred upon the Debate of the Liſt of Recuſants, whom the Commons deſired might be ſecured; and it was upon the Debate Reſolved, *That the Kingdom was in ſuch Danger at this time as required the ſecuring of the Perſons of Recuſants, and that this ſhall be done by a legiſlative Way.* And a Committee was appointed to draw up a Bill immediately to that purpoſe.

In the Commons Houſe, the reforming Faction were this day tugging ſorely at the Oars, to bring the Declaration of the State of the Kingdom, which was now ingroſſed and read, into ſafe Harbor; there blew

Novem. 1641.

blew a freſh Gale from the Coaſt of Loyalty, beyond their Expectation, who were the Contrivers of it, and ſeveral Alterations were made in it; and pity it was, that it was not after all the ſhaking and ſhaking ſerved, as the common Opinion is, Cucumbers ought to be thrown away, as more dangerous to the Health of the Body, then their agreeableneſs to the Palate can compenſate; the Houſe was divided four ſeveral times upon the Queſtion; but at the laſt all that which they called Amendments being read, it was put to the Queſtion, *Whether it ſhould paſs*, and the Houſe dividing upon it, with the Yeas were 159 with the Noes were 148. ſo it was carried in the Affirmative. The Queſtion was then put again, *Whether it ſhould be Printed or not*, the Houſe was again divided, with the Noes were 124 with the Yeas 101. So that paſſed in the Negative, the time for Printing was not yet come.

Upon this Occaſion Sir *Edward Deering*, made this following Speech.

Sir *Edward Deering*'s Speech againſt the paſſing of the Remonſtrance, *Nov.* 22. 1641.

Mr. Speaker,

THis Remonſtrance is now in Progreſs upon its laſt Foot in this Houſe: I muſt give a Vote unto it, one way or other: my conſcience bids me not to dare to be affirmative: ſo ſings the Bird in my breaſt, and I do chearfully believe the Tune to be good.

This Remonſtrance whenſoever it paſſeth, will make ſuch an impreſſion, and leave ſuch a Character behind, both of his Majeſty, the People, the Parliament, and of this preſent Church and State, as no time ſhall ever eat it out, whilſt Hiſtories are written, and men have Eyes to read them.---How curious then ought we to be, both in the Matter and the Form? Herein is a ſevere point of conſcience to be tryed: Let us be ſure that every particular ſubſtance be a *Truth*: and let us cloath that *Truth* with a free language, yet a modeſt and a ſober language.

Mr. Speaker, this Remonſtrance is in ſome kind greater and more extenſive then an Act of Parliament: that reacheth only to *England* and *Wales*; but in this the three Kingdoms will be your immediate ſupervisors: and the greateſt part of Chriſtendom will quickly borrow the Glaſs to ſee our deformities therein. They will ſcan this work at leiſure, which (I hope) we ſhall not ſhut up in haſte.

Some pieces here are of excellent uſe and worth: but what is that to me if I may not have them, without other parts that are both doubtful and dangerous.

The *Matter*, *Form*, and *final end* of this Remonſtrance, all of them do argue with me, not to remonſtrate thus.

The end: to what end do we decline thus to them that look not for it? Wherefore is this deſcenſion from a Parliament to a people? they look not up for this ſo extraordinary courteſie? the better ſort think beſt of us: and why are we told that the people are expectant for a Declaration?

I did never look for it of my Predeceſſors in this place, nor ſhall do from my Succeſſors. I do hereby profeſs that I do not know any one Soul in all that Country (for which I have the honour to ſerve) who looks for this at your hands. They do humbly and heartily thank you for many good Laws and Statutes already Enacted, and pray for more. That is the Language beſt underſtood of them, and moſt welcome to them. They do not expect to hear any other Stories of what you have done, much leſs promiſes of what you will do.

Mr. Speaker, When I firſt heard of a Remonſtrance, I preſently imagined that like faithful Counſellors, we ſhould hold up a Glaſs unto his Majeſty: I thought to repreſent unto the King the wicked Counſels of pernicious Counſellors: the reſtleſs turbulency of practical Papiſts. The Treachery of falſe Judges: The bold Innovations and ſome ſuperſtition brought in by ſome pragmatical B B: and the rotten part of the Clergy.

I did not dream that we ſhould remonſtrate downward, tell ſtories to the people, and talk of the King as of a third perſon.

The uſe and end of ſuch Remonſtrance, I underſtand not: at leaſt, I hope, I do not.

Mr. Speaker, In the Form of this Remonſtrance, if it were preſented to you from a full Committee, yet I am bold to make this Quære, Whether that Committee have preſented to us any heads in this Remonſtrance which were not firſt agitated here, and recommended to them from this Houſe: if they have, there wanteth then (for ſo much) the Formal Power that ſhould actuate and enlive the work ſo brought unto us: as may be well obſerved by peruſing the Order (now above a Twelve Month old) for conſtituting that Committee. 10. *Novem.* 1640.

In the matter of this Remonſtrance I except againſt ſeveral Particulars, but upon the tranſient reading of it, (not having any view thereof) I will gather up two inſtances only, very obvious, very eaſie to be obſerved.

Firſt, (as was alſo obſerved by a Learned Noble Lord who ſpake laſt) here is a Charge of a High Crime againſt all the Biſhops in the Land, and that above all proof that yet I have heard.

L. Viſcount *Faulkland.*

Your words are, *Idolatry introduced by command of the B B.*

What? Plain, Flat, Formal Idolatry? name the Species of this Idolatry, that is introduced by the Biſhops, that is (for indefinite propoſitions are æquipollent to univerſal) by all the Biſhops, and by a command of theirs.

Certainly Sir, Idolatry (in the practice of it) is a very viſible ſin; and the Command of the Biſhops was either legible or audible. Who hath read this Command? who hath heard this Command? who hath ſeen this all Commanded Idolatry? and can aſſign wherein it is?

Some ſuperſtition in Doctrines, and in Practices, by ſome Biſhops, this is not the queſtion: but the odious Apoſtacy of Idolatry. Give me leave to ſay.

No Man in this Houſe can Charge and Prove all the Biſhops, no nor half of them, I dare ſay, not any three among them: perhaps (and truly I think ſo) not one among them all, to have iſſued forth any one Command for Idolatry. If any man can, let him ſpeak and convince me, I love to be reformed. In the mean time I deſire to offer you ſome particulars in Barr, and by way of Oppoſal to this Charge.

The Learned, Pious, and Painful Biſhop of *Durham* hath fought in Front againſt *Roman* Superſtition and Idolatry. Dr. *Morton.*

The Biſhop of *Lincoln* was the firſt of Note, that gave check to our Papal Mis-leaders and Altarian Innovators. He ſtood in gap of that Inundation, and was a ſufferer for us. Dr. *Williams.*

The Biſhop of *Exeter* (however miſtaken in the Divinity of Epiſcopacy) hath ever had the repute both of a good Man, and a good Biſhop. He hath not only held and maintained his ſtation, but advanced alſo, and made good Impreſſion upon the Idolaters of *Rome*. Dr. *Hall.*

Mr. Speaker, This hath been a very Accuſative Age: yet have I not heard any Superſtition (much leſs Idolatry) charged (much leſs proved) upon the ſeveral Biſhops of *London*, *Wincheſter*, *Cheſter*, *Carliſle*, *Chicheſter*.

Dr. *Juxton.*
Dr. *Curle.*
Dr. *Bridgman.*
Dr. *Potter.*
Dr. *Duppar.*

Parcite paucorum crimen diffundere in omnes.

Not for love unto the perſons of the Biſhops, but for Honour to our Religion, although the times of late have been ſomewhat darkened; yet, let not us make the day blacker in report then it is in truth.

In the laſt place I obſerve a promiſe in general words, *That Learning ſhall be rather advanced then diſcouraged: Sed quid verba audio, cum facta videam.*

Great rewards do beget great endeavours: and certainly (Sir) when the great Baſon and Ewer are taken out of the Lottery, you ſhall have few adventures for ſmall Plate and Spoons only.

If any Man could cut the Moon out all into little Stars: although we might ſtill have the ſame Moon, or as much in ſmall pieces; yet we ſhall want both light and influence.

To hold out the Golden Ball of Honour and of Profit, is both policy and honeſty; and will be Operative upon the beſt natures, and the moſt Pious Minds.

But (Mr. Speaker) if I obſerve aright; Learning (I mean Religious Learning) in this Remonſtrance is for one half thereof utterly unthought on. And becauſe I hear often Speech of one half, but ſeldome mention of the other,

give

Novemb. 1641. give me leave (I beſeech you) in this Theam a little to enlarge my ſelf: if your Remonſtrance once paſs, it will be too late (I fear) to enter this Plea.

It is I dare ſay, the unanimous wiſh, the concurrent ſence of this whole Houſe to go ſuch a way, as may beſt ſettle and ſecure an able, learned, and fully ſufficient Miniſtery among us. This ability, this ſufficiency muſt be of two ſeveral ſorts.

It is one thing to be able to Preach and to fill the Pulpit well; it is another ability to confute the perverſe Adverſaries of truth, and to ſtand in that breach. *Tit.* 1. 9. The firſt of theſe, gives you the wholſome food of ſound Doctrine; the other maintains it for you, and defends it from ſuch Harpies as would devour or elſe polute it. Both of theſe are ſupremely neceſſary for us, and for our Religion.

1 *Tit.* 9, 10. Verſe 11. Both are of Divine Inſtitution. The Holy Apoſtle requireth both. Both παρακαλεῖν & ἐλέγχειν. Firſt to Preach, *That he be able with ſound Doctrine to exhort:* and then, Καὶ τοὺς ἀντιλέγοντας ἐλέγχειν *and to convince the gainſayers. For* (ſaith he) *there are many deceivers whoſe Mouths muſt be ſtopt.*

Now Sir, to my purpoſe: theſe double Abilities, theſe ſeveral ſufficiencies, may perhaps ſometime meet together in one and the ſame man: but ſeldome, very ſeldome, ſo ſeldome that you ſcarce can find a very few among thouſands rightly qualified in both.

Nor is this ſo much infelicity of our, or any times, as it is generally the incapacity of Man, who cannot eaſily raiſe himſelf up to double Excellencies.

Knowledge in Religion doth extend it ſelf into ſo large, ſo vaſt a Sphear, that many (for haſt) do cut croſs the Diameter, and find weight enough in half their work: very few do or can travel the whole Circle round.

Some one in an Age (perhaps) may be found, who as Sir *Francis Drake* about the Terreſtrial Globe, may have travelled the Celeſtial Orbe of Theological Learning, both for controverſal, and for inſtructive Divinity.

The incomparable Primate of *Ireland* deſerves firſt to be named. Biſhop *Morton* (whom I mentioned before) is another Reverend Worthy, and hath Highly deſerved of our Church in both capacities, *Jewel* (of Pious Memory) another Biſhop never to be forgotten. Some few others I could name, able and active both for As Mr. *Reading*, Mr. *Abbot.* Pulpit and the Pen. But Sir, theſe be *Rara aves*, there are very few of them.

The Reaſon is evident. For whil'ſt one Man doth chiefly intend the Pulpit Exerciſes, he is thereby diſabled for Polemick Diſcourſes: and whil'ſt another indulgeth to himſelf the faculty of his Pen, he thereby renders himſelf the weaker for the Pulpit. Some Men aiming at Eminency in both, have proved but mean proficients in either. For it is a Rule, and a ſure one.

Pluribus intentus minor eſt ad ſingula——

Now Sir, ſuch a way, ſuch a temper of Church-Government and of Church-Revenue, I muſt wiſh, as may beſt ſecure unto us both: both for preaching to us at home, and for convincing ſuch as are abroad.

Let me be always ſure of ſome Champions in our *Iſrael*, ſuch as may be ready and able to *Fight the Lord's Battel* againſt the Philiſtims of *Rome*, the *Socinians* of the *North*, the *Arminians* and *Semi-Pelagians* of the *Weſt:* and generally againſt Hereticks and Atheiſts evey where. God increaſe the number of his *Laborers within his Vineyard:* ſuch as may Plentifully and Powerfully preach Faith and good Life among us. But never let us want ſome of theſe Watchmen alſo about our *Iſrael*, ſuch as may from the Everlaſting Hills (ſo the Scriptures are called) watch for us, and deſcry the common Enemy, which way ſoever he ſhall approach. Let us maintain both Pen and Pulpit. Let no 1 *Sam.* 2. Ammonite perſwade the Gileadite, to fool out his right Eye, unleſs we be willing to make a League with Deſtruction, and to wink at Ruine, whil'ſt it comes upon us.

Learning (Sir) it is invaluable: the loſs of Learning, it is not in one Age recoverable. You may have obſerved, that there hath been a continual Spring, a perpetual growth of Learning ever ſince it pleaſed God, firſt to light *Luther's* Candle: I might have ſaid *Wicklif's*, and juſtly ſo I do; for even from that time unto this day, and night and hour, this light hath encreaſed; and all this while

Novem. 1641.

while our better cauſe hath gained by this light; which doth convince our *Miſo-muſiſts*, and doth evict that Learning and Religion, by their mutual ſupport, are like Hypocrites Twyns, they laugh and Mourn together.

But Sir, notwithſtanding all this ſo long encreaſe of learning, there is *Terra incognita*, a great Land of Learning not yet diſcovered; our Adverſaries are dayly Trading, and we muſt not ſit down and give over, but muſt encourage and maintain, and encreaſe the number of our painful Adventurers for the Golden Fleece; and except the Fleece be of Gold, you ſhall have no Adventurers.

Sir, we all do look that our Cauſe ſhould be defended: if the Fee be poor, the Plea will be but faint. Our Cauſe is good, our Defence is juſt: let us take care that it be ſtrong; which for my part, I do clearly and ingeniouſly profeſs, I cannot, expect ſhould be performed by the Pariſh Miniſter, no not ſo well as hitherto it hath been. For from whom the more you do now expect of the Pulpit, the leſs (I am ſure) you muſt look for of the Pen.

How ſhall we with one hundred Pound, (perhaps two hundred Pound) *per annum*, with a Family, and with conſtant Preaching, be able, either in Purſe for Charge, or in leiſure for time, or in Art for ſkill, to this ſo chargeable, ſo different, ſo difficult a work? I ſpeak it (Mr. Speaker) and Pardon my want of Modeſty if I ſay, I ſpeak it not unknowingly: Six hundred Pound is but a mean expence in Books, and will advance but a moderate Library. Pains and Learning muſt have a reward of Honour and Profit proportional: and ſo long as our Adverſaries will contend, we muſt maintain the Charge, or elſe lay down the Cauſe.

In Concluſion, I do beſeech you all with the fervour of an earneſt heart; a heart almoſt divided between hopes and fears: never to ſuffer diverſion or diminution of the Rents we have for Learning and Religion; but beſide the Pulpit, let us be ſure to maintain πανστρατίαν καθολικὴν an univerſal Militia of Theology, whereby we may be alway ready and able (even by ſtrength of our own, within our own happy Iſland at home) ἐπιστομίζειν to ſtop the Mouth of all errors and hereſies that can ariſe.

Never Sir, never let it be ſaid that ſacred Learning (for ſuch is that I plead for) ſhall in one eſſential half thereof, be quite unprovided for in *England*. Sir, I have reaſon to be earneſt in this, I ſee I know great deſigns drawing another way: and my fears are increaſed, not cured by this Declaratiou.

Thus I have done: and becauſe I ſhall want Champions for true Religion. Becauſe I neither look for Cure of our Complaints from the common People, nor do deſire to be cured by them. Becauſe this Houſe (as under favour I conceive) hath not recommended all the heads of this Remonſtrance to the Committee which bronght it in: Becauſe it is not true, that the Biſhops have Commanded Idolatry becauſe I do not know any neceſſary good end and uſe of this Declaration, but do fear a bad one. And becauſe we paſs his Majeſty, and do remonſtrate to the People. I do here diſcharge my Vote with a clear Conſcience, and muſt ſay No to this ſtrange Remonſtrance.

This was the laſt Speech, which this unfortunate Gentleman made in the Houſe, that I can meet with, whom I cannot name without Compaſſion, conſidering his great Parts and Abilities, had they been rightly Informed, and not over-born by the popular Torrent, which though he at firſt helpt to ſwell above its Banks, he was not able to Stem, when he indeavoured to oppoſe it, but was himſelf over-born and ſunk by it. And how dangerous a thing that great Privilege of Freedom of Speech was then in that Houſe, he remains a ſad Example, as will appear hereafter by their Treatment of him, and by his own Poſtſcript to the Collection of his Speeches, which becauſe it ſhews the Genius of thoſe Perſons and Times, I think will not be amiſs to preſent the Reader with, in his own Words.

Novemb. 1641.

The Carriage of the *Root and Branch* Men to Sir *Edward Deering*.

“*POSTSCRIPT.*

“Thus have you a faithful and a clear expoſure of my ſelf in matter of Religion, both in what I have ſaid, and what I wiſh may be done. Let the Candid and Ingenuous Reader judge me. Such of the Prelatick Party as are in love with preſent pomp and power will be averſe unto me, becauſe I pare ſo deep: The *Rooters*, the Anti-Prelatick party declaim againſt me, becauſe I will not take all away. At laſt Midſummer a new Moon did take theſe men, I did begin to find a different greeting, a change of ſalutation. Some expoſtulate; others condemn: ſome adviſe; others would ſeem to condole: all upon occaſion of my Speech 21. *June*; although I find not there (or in any thing elſe that I have ſaid) any cauſe to make me the object either of *their* anger, *their* counſel, or *their* pity.

“The plain truth (as I touched before) is, that immediately upon my approach unto this Parliament, ſome circumſtances did concur to lead my language on upon the Archbiſhop, not any perſonal paſſages (God and my Soul do witneſs for me, I have not ſuch a temper;) But being Servitor for that Shire, and in that Dioceſs where ſome of his hardſhip then freſh and new was brought by complaint unto me; The accident of preſenting that complaint did beget me almoſt as many new Friends as he had old Enemies: and I know not what miſconception did thereupon (untruly) entitle me an enemy to the very function of Epiſcopacy. I never gave my Name in to take away both *Root and Branch*. I love not the ſound of a Curſe ſo well. If by the *Rooters* I have been ſo miſtaken, their credulity is not my crime. And their foul language ſhall neither be my ſhame nor ſorrow; I will repeat ſome of their ſalutations.

1 *A. G.* “1. One tells me, That I would onely *have new Biſhops in room of old ones: Cujus contrarium verum eſt.*

2 *W. P.* “2. Another, That I have a *Pope in my Belly.*

3 *S. W. B.* “3. A Third, That he was *never more ſorry for any Speech* in the Houſe, meaning that 21. *June.*

4 *M. S.* “4. Another, That *ſtrange things were ſaid of me.*

5 *W. C.* 6 *Mr. S S.* “5. A Fifth and 6 Sixth, That I go the way to *ſpoyl all their work*, ſo I hope I do.

7 *Dr. B. from Others.* “7. A Seventh, That it is ſaid I am *fallen from Grace*: ſo ſome men ſeem deſperately to look into the Ark of God.

8 *Dr. W.* “8. An Eighth, That I have *contraried all that I ſaid before*: let the Doctor ſhew me that now.

9 *R. L. B.* “9. A Ninth is told, *That I am Apoſtated*; I doubt his Religion (*in quantum* it differs from that of the Church of *England*) is an Apoſtacy.

10 *Mr. F.* “10. A Tenth, That I am *gone over to their Adverſaries.*

11 *S. A. H.* 12 *T. W.* “11. An Eleventh and Twelfth, That the *Primate of Ireland*, and Dr. *Brownrig have infected me*; I dare drink their poyſon.

13 *G. H.* “13. That the two Learned and Painful Equals without match, Mr. *Reading*, and Mr. *Abbot*, abuſing my truſt in them, and good opinion of them *do miſlead me*; a ſlander upon three at once.

14 *S. E. P.* “14. That Dr. *Burges* and I *have conferred Notes*; I wiſh we had.

15 *Mr. K.* “15. That I am *for Biſhops, for Croſſes, and for Images*; true and falſe.

“16. That

Novemb. 1641.

“ 16. That *if I had held where I was, there had not been a Biſhop in*
“ *the Land before Auguſt laſt*; a falſe Wizard, I did hold where I was,
“ and yet the Biſhops are where they were.
“ 17. That I *have loſt the prayers* of many Thouſands.
“ 18. That I *have loſt the honour I had*, and that *my Conſcience is not*
“ *ſo good as it was in the beginning of this Parliament.* Good (*Mr. C.*)
“ you who would have Biſhops out of their Chairs, come you out
“ of the chair of the ſcornful. You are one of them who jog our elbowes,
“ and boar our Parliament Ears with *Babylon*, *Antichriſt*, and *the Myſtery*
“ *of Iniquity*, which I dare ſay is groſly miſunderſtood by your ſelf and
“ many others of your *Rooting* Tribe.

16 *I. K.*
17 *Civis Ignotus.*
18 *T. C.*

“ Before this Parliament was convened, you would have joyed upon
“ that day, when the ſting of ill executed Epiſcopie (the high Commiſſion)
“ had been taken away; and (the peſt of the Chair) ſoleſhip of
“ power retrenched. One is done, and both had been effected, if you
“ and ſuch as you had not over-heated a Furnace that was burning hot
“ before; and with preſſing for *Ruine*, have betrayed the time of a bleſſed
“ *Reforming*. Take it unto you, for upon you, and the blind ignorant
“ wilfulneſs of ſuch as you, I do here charge the ſad account of the
“ loſs of ſuch a glorious Reformation, as being the revived image of the
“ beſt and pureſt Ages, would with its Beauty and Piety have drawn the
“ Eye and Heart of all Chriſtendom unto us. *The Horſe-leaches daughters*
“ *do cry, Give, give.* And you that might have had enough, do
“ ſtill cry, *More, more.* The greedy Vulture of an inſatiate appetite is
“ incurable. To reform Epiſcopacy, it is in your eſteem too faint, too
“ cold a work, it is labour ill beſtowed, and unthankfully accepted; nay
“ one of you ſaid in my hearing, *It is a ſin to labour in the dreſſing and*
“ *proining of that Plant, which* (ſay you) *is not of God, and muſt be digged*
“ *up.* And with Epiſcopacy, away with the burden of our Liturgy.
“ [a] *If you take not off this burden alſo, it will be girded upon us cloſer and*
“ *ſtronger then ever. Away with the thought of a National Church alſo,*
“ [b] *It hath no pattern in the Scripture.* [c] *It is impoſſible for a National*
“ *Church to be the true Church of Chriſt. Let us have no Church but*
“ *Congregations*, [d] *and let them be without all ſuperintendency*: As much
“ to ſay, as let every Family be a Church, and have Religion as they
“ pleaſe. *Away with all* [e] *diſtinction of Clergy and Laity, it is Popiſh and Antichriſtian.*
“ *Let us then baniſh from us ſuch Popiſh Names, and ſend them*
“ *home to* Rome. [f] *The Church is a Body of parity, whoſe members are all*
“ *Kings and Prieſts.* [g] *And every man muſt exerciſe his Gifts in common.*
“ So alſo the Learned (but herein abſurd and groſs) [h] *Walo Meſſalinus*,
“ *Omnes olim Presbyteri erant Laici*; And again, *Waldenſes & Lutherus*
“ *crediderunt juſtos ac fideles Laicos poſſe omnes, quæ in Eccleſiâ Dei agi*
“ *neceſſe eſt, agere, & omnibus muneribus Eccleſiaſticis defungi.* Theſe
“ things thus preſſed, and purſued, I do not ſee but on that riſe of the
“ *Kingſhip* and *Prieſtſhip* of every particular man, the wicked ſweetneſs
“ of a popular parity may hereafter labour to bring the King down to
“ be but as the firſt among the Lords, and then if (as a Gentleman of
“ the Houſe profeſſed his deſire to me) we can but bring the Lords down
“ into our Houſe among us again, ἕυρηκα. All's done. No rather, all's
“ undone, by breaking aſunder that well-ordered Chain of Government,
“ which from the Chair of *Jupiter* reacheth down by ſeveral golden even
“ Links to the protection of the pooreſt creature that now lives among
“ us.

Prov 30. 15.
Mr. F.

[a] *S. M.*
[b] *Proteſtation proteſted.* p. 20.
[c] Mich. Quintin. *p.* 4.
[d] Eaton's *Sermon vouched by Sir* Th. Aſton. *p.* 4.
[e] *Aſſertion of* Scottiſh *Government*, p. 3. & 5.
[f] Quintin. *p.* 9.
[g] *Spincers* Pamphlet.
[h] *Thought to be* Salmaſius *againſt* Petavius *p.* 397, 398.

Novemb. 1641.

“ What will the iſſue be, when hopes grow ſtill on hopes? and one
“ aim ſtill riſeth upon another, as one wave follows another? I cannot
“ divine. In the mean time, you of that party have made the work of
“ *Reformation* far more difficult than it was at the day of our meeting,
“ and the vulgar mind now fond with imaginary hopes, is more greedy
“ of new Atchievements, then thankful for what they have received.
“ Satisfaction will not now be ſatisfactory. They and you are juſt in
“ [a] *Seneca*'s deſcription, *Non patitur aviditas quenquam eſſe gratum. Nun-*
“ *quam enim improbæ ſpei, quod datur, ſatis eſt Eo majora cupimus, quo*
“ *majora venerunt.* —— *Æquè ambitio non patitur quenquam in eâ men-*
“ *ſurâ conquieſcere, quæ quondam fuit ejus impudens votum.* ——*Ultra ſe*
“ *cupiditas porrigit, & fœlicitatem ſuam non intelligit.* Learn modera-
“ tion (*Mr. C.*) unleſs (as [b] ſome of you *Rooters* do ſeem to hold) you
“ do think moderation it ſelf a Vice. The Stoick was in that point more
“ Pious then ſuch Chriſtians: his Motto was, and your Leſſon is, Ἀνέχȣ
“ ϗ Ἀπέχȣ.

[a] *De Benef.* l. 2. c. 27.

[b] *J. H. H. M.*

Epictetus.

Tueſday, Novemb, 23.

The Bill for ſecuring Papiſts, being preſented by the King's Council was read a firſt and ſecond time this Day, and committed to a Committee, who with ſome few amendment of Names, and little Alterations preſented it again to the Houſe; it was read thrice, and being approved was Ordered, *To be Ingroſſed, and receiving the laſt reading, it was upon the Queſtion Reſolved, to paſs as a Law, and immediately ſent down to the Commons, by Serjeant* Finch *and Serjeant* Glanvile.

A Meſſage was ſent to the Commons to let them know, *That the Queen hath deſired the Inlargement of* Phillips *the Prieſt, and that the Lords being ſatisfied with his Submiſſion, and having nothing againſt him further depending in their Houſe, are inclinable to releaſe him, but reſolved according to their Engagement to let the Houſe of Commons be firſt acquainted with it.* Upon which the Commons made this Anſwer, *That they deſire he may be continued ſtill in his Reſtraint, in regard he is a Prieſt, and complained of for ſeducing his Majeſties Subjects.*

Several Bills were ſent up to the Lords, two private ones, a third for the laying down of the Privilege of Parliament, concerning Protections in ſome Caſes, &c. a fourth for the Forfeiture of the Lands of *John James*, (who ſtabbed Juſtice *Heywood* at *White-Hall*) and for his further Puniſhment, &c.

An Ordinance was alſo brought into the Houſe of Commons for reimburſing the City the 50000 *l.* laſt borrowed, and the 50000 *l.* formerly lent to the Peers, in the Northern Expedition.

Wedneſday. Novemb. 24. The Commiſſioners return from *Scotland.*

The Commiſſioners being now returned from *Scotland*, the Lord Keeper was commanded, in the Name of the Houſe of Lords, to let the Lord *Howard* of *Eskrik* know, *That the Houſe doth acknowledg, that his Lordſhip hath very carefully and faithfully diſcharged that Truſt, which this Houſe repoſed in him, in his Imployment in* Scotland, *as a Committee for this Houſe, for which the Houſe gives his Lordſhip Thanks, and will be ready upon all Occaſions for his Good, to Recommend him to the King.*

Thurſday, Novemb. 25.

The Houſe of Lords being Yeſterday adjourned in regard they were informed of his Majeſties coming from *Scotland*, ſate not till *Friday*: and that it may a little recreate the Reader, who may well be tired with ſo much Tragedy, and the repeated Troubles of Rebellions, Plots and Conſpiracies, of which this unhappy Age was ſo Fertile, I will preſent him with the ſhort Sun-ſhine of that Days Solemnity, which hath ſo often been reſembled to the Treacherous *Hoſannas*, which preceded the Crucifixion of the Glorious Redeemer of the World: and not without Reaſon, for while he made that ſhort Ovation in *London*, the Scribes and Phariſees of the Faction at *Weſtminſter*, were in Conſultation of that Remonſtrance, which was to crucify his Reputation, and was the firſt bold Step to the taking away his Crown and Life.

The King returns from *Scotland*, and the manner of his Reception by the City.

Notice having been given of his Majeſties Return this day to *White-Hall*, the Nobility, Gentry, Lord Mayor, Aldermen and Recorder, with many of the Principal Citizens, went to attend his Majeſty, and Conduct him to the City.

So ſoon as they met him, Mr. Recorder of *London* Addreſſed himſelf, with all due Reſpects to his Majeſty in this congratulatory Speech.

Mr. Recorder of *London's* Speech to the King at his return from *Scotland*.

May it pleaſe Your Majeſty,

" THis is a day of Exceeding great Joy to your Citizens of *London*, " joy exalted to the higheſt degree, to ſee you return in ſafety af- " ter a long abſence, and to ſee this happy meeting with your Deareſt " Conſort our good and gracious Queen; and with theſe bleſſed Chil- " dren, that are the Fruits of your Loves, and Pledges to us of a fruit- " ful and hopeful Succeſſion.

" I can truly ſay this from the Repreſentative Body of your City, " from whence I have my Warrant; they meet Your Majeſty with as " much Love and Affection, as ever Citizens of *London* met with any " of Your Royal Progenitors, King or Queen of this Kingdom; and " with as hearty a deſire to ſhew it ſelf fully: Pardon their failers, where " you meet with any.

" We tender unto You no formal Preſent, it would but leſſen us, " whatever it were, I am ſure it would be far ſhort of our meaning, but " we preſent unto You our hearts and affections, hearts of true Subjects, " full of Loyalty to You our King and Sovereign.

" 'Tis true, in this we offer Your Majeſty but your own, they were " by juſt right Yours before: but upon this new and enlivening occa- " ſion, be pleaſed to take them as a new gift; we offer them chearfully, " vouchſafe to accept them graciouſly; and with the Influence of thoſe " Excellent and Princely Vertues, which we know by great aſſurance " to be eminent in Your Royal Perſon, we doubt not but Your Majeſty " will continue the defence of our Eſtabliſht Religion, and the clear " Current of Juſtice, through all the Streams, of which Your Majeſty " is the Royal Fountain.

" Vouchſafe likewiſe to uphold and countenance that Ancient Form " and Frame of Government, which hath been long Eſtabliſhed in the " City; that Power and Authority of Yours, which You have com- " mitted to Your Lord Mayor, your true and faithful Subject and Ser- " vant, and the fit reverence and reſpect due to the Aldermen his Bre- " thren, who are to aſſiſt him in his Government: we ſhall be thereby " the better enabled to ſerve Your Majeſty, and conſtantly to render to " You the Fruits of a true Obedience: And, as our Duty binds us, we " ſhall never ceaſe to Bleſs You, and Pray for You, and Your Deareſt " Conſort our gracious Queen, and for this Your Royal and Princely " Off-ſpring; for Your Majeſties long Life, and proſperous Reign over " us, in Peace and Glory, and with full contentment: And I doubt not " but

Novemb. 1641.

“ but every true Subject will joyn with us in this, and ſay, *Amen.*

“ Theſe Expreſſions of Joy, of Love, of Loyalty; and theſe hearty wiſhes and deſires, which I have mentioned, I meet with every where from your Citizens of *London*; they are the ſoft and ſtill Muſick prepared for Your Majeſties Welcom and Entertainment this Day: The joyful Acclamations of Your People, upon the ſight of your Royal Perſon will make it louder, and all chearfully bearing their agreeing parts together, ſhall I hope this Day make up to Your Majeſty a full and pleaſing Harmony.

To which His Majeſty immediately returned this Gracious Anſwer.

Mr. Recorder,

The King's Anſwer to the Recorder of *London*'s Speech.

I Muſt deſire you, becauſe My Voice cannot reach to all thoſe that I deſire ſhould hear Me, to give moſt hearty thanks to all the good Citizens of London, *for their hearty Expreſſions of their Love to Me this Day: And indeed I cannot ſufficiently expreſs the contentment I have received therein: For now I ſee, that all theſe former Tumults and Diſorders, have only riſen from the meaner ſort of People, and that the Affections of the better and main part of the City, have ever been Loyal and Affectionate to My Perſon and Government.*

And likewiſe it comforts Me to ſee, That all thoſe miſreports that have been made of Me in My abſence, have not the leaſt power to do Me prejudice in your Opinions, as may eaſily be ſeen by this days Expreſſions of Joy.

* Too Prophetically ſpoken.

And now I think it fit for Me to aſſure you, That I am returned with as hearty and kind Affections to my People in general, and to this City in particular, as can be deſired by loving Subjects: The firſt I ſhall expreſs by governing you all according to the Laws of this Kingdom, and in maintaining and protecting the true Proteſtant Religion, according as it hath been Eſtabliſhed in my two famous Predeceſſors times, Queen Elizabeth *and My Father;* * *and this I will do, if need be, to the hazzard of My life, and all that is dear unto Me.*

As for the City in Particular, I ſhall ſtudy by all means their proſperity: And I aſſure you, I will ſingly grant thoſe few reaſonable demands you have now made unto me in the Name of the City; and likewiſe I ſhall ſtudy to re-eſtabliſh that flouriſhing Trade, which now is in ſome diſorder amongſt you, which I doubt not to effect, with the good aſſiſtance of the Parliament.

One thing I have thought of, as a particular Affection to you, which is, to give back unto you freely, that part of London-Derry *which heretofore was Evicted from you. This, I confeſs, as that Kingdom is now, is no great Gift; but I hope firſt to recover it, and then to give it to you whole and intirely. And for the Legal part of this, I command you, Mr. Recorder, to wait upon me, to ſee it punctually performed.*

I will end as I began, to deſire you, Mr. Recorder, to give all the City thanks, in better Expreſſions than I can make: Though I muſt tell you, it will be far ſhort of that real contentment I find in my heart, for this real and ſeaſonable Demonſtration of their Affections to me.

Sir. *Richard Gurney* the L. Mayor, and the Recorder Knighted.

His Majeſty having ended this gracious Speech, was pleaſed to confer the honour of Knighthood upon the Lord Mayor, and Mr. Recorder,

Novemb.
1641.

der, with the City Sword; and both their Majeſties gave them, as alſo the Aldermen, City Council and Officers, the honour of kiſſing their Royal hands.

This Ceremony being over, His Majeſty and the Prince alighted out of the Coach, and took their Horſes; the Queen, Duke of *York*, Princeſs *Mary*, Prince Elector, and the Dutcheſs of *Richmond* ſtill remaining in their Coaches.

In the mean time, by the care and pains of the two Captains of the Companies, and of the three Marſhals that were appointed for this days Service, the 500 Horſe-men of the Liveries, and their Attendants were brought in Order, and the Command being given, faced about, in order to the conducting of their Majeſties into *London*; which brave appearance gave great ſatisfaction to His Majeſty, and the reſt of that Illuſtrious Company.

The whole Cavalcade was Marſhalled in this Order.

The City Marſhall.
The Sheriffs Trumpeters.
The Sheriffs Men.
Meſſengers of the Chamber.
Citizens in their Velvet Coats and Chains.
The City Councel and Officers.
The Aldermen.
The Princes Trumpeters.
The King's Trumpeters.
Gentlemen of the Privy Chamber.
Knight Marſhal.
Purſivants at Arms.

The Lord Chief Juſtice of the *Common-Pleas*, being a Knight of the Privy Council.

Barons.
Lord Goring. *Lord* Coventry.
Lord Fielding. *Lord* Digby.
Lord Moubray.
Viſcount Conway.
Heralds.
Earls.
Earl Rivers. *Earl of* Bath.
Earl of Cumberland. *Earl of* Eſſex, *L.Chamberlain of the King's Houſe.*
Duke of Richmond.
Clarencieux, *and* Norroy.
Lord Keeper. *Lord Privy Seal.*
Sergeants at Arms, among whom one for the City.

Novemb.
1641.

Quirries and Foot-men.	*The Prince's Highneſs.*	Quirries and Foot-men.
Garter.	*The Lord Mayor carrying the Cities Sword, by His Majeſties ſpecial appointment, as a grace and favour at this time.*	A Gentleman-Uſher daily waiting.
Lord Great Chamberlain.	*Marqueſs of* Hertford *bearing the Sword of State.*	Earl Marſhal.

The King's Majeſty.

The Queens Majeſty in her Coach richly Embroydered, and with her, the Duke of York, *the Princeſs* Mary, *and the Prince Elector.*

Marqueſs Hamilton, *Maſter of the Horſe, leading the Horſe of State.*

The Earl of Salisbury, *Captain of the Penſioners.*

The Gentlemen Penſioners, with their Pollaxes, all mounted, with Piſtols at their Saddles.

The Earl of Holland, *Lord General beyond* Trent, *and after him, Viſcount* Grandiſon; *with many other principal Commanders in the late Northern Expedition.*

After them, divers Ladies, and other Perſons of Great Quality.

The Yeomen of the Guard.

In this Order they marched towards *London*, and entred the City at *Moor-gate*, where their Majeſties were welcomed with a noiſe of Trumpets, appointed to attend there to that purpoſe; from which place to *Biſhops-gate*, and ſo through *Corn-hill*, to St. *Laurence* Lane's End in *Cheap-ſide*; the Companies in their Liveries ſtood on the left hand as their Majeſties paſſed by; the Rails of the Standings being covered with Blew Cloth, and the Standings themſelves being richly adorned with Banners, Enſigns, and Pendants of the Arms of each Company reſpectively. Nine Companies of the Twelve ſtanding in the Morning, the Lord Mayor's Company beginning againſt St. *Laurence* Lane's End, and the other Eight in their Order, towards *Biſhops-gate*, the reſt of the way to *Moorgate* being ſupplied by ſome of the inferiour Companies; the outſides of the Houſes all the Way their Majeſties paſſed being adorned with rich Tapeſtries.

On the North ſide of the Street, four Foot diſtant from the Houſes were Rails placed, to regulate and keep the People in good Order, from *Biſhops-gate* to *Corn-hill*, and ſo to *Temple-Bar*; at the beginning of which Rails, *viz.* at *Biſhopſgate*, by the direction of the 2 Captains, and 3 Marſhals, the firſt Horſe-men of the Liveries began to make a Stand, the firſt Rank of them placing themſelves ſingle, faced to the Liveries that

Novemb. 1641.

that were in the Standings, and the reſt paſſing along, placed themſelves in the ſame Order: The Trumpets and Pendants of each Company, ſtanding in the Front, and then the Companies themſelves; the youngeſt being next to the Pendant, and ſo upwards by Seniority, to the Maſter of the Company, who took his place laſt. Then began the Pendant and Youngeſt of the next Company to make their Stand, and ſo in Order, till they came to St. *Laurence* Lane's End; there being five Foot diſtance from one Horſe to another, in which ſpace ſtood each Horſe-man's Foot-man with a Truncheon in his hand, ſo making a Guard for their Majeſties, and the reſt of the Train to paſs through: And it fell out that moſt of the Companies of Horſe were placed right againſt their own Companies in the Standings. The People that were Spectators in the Streets, were beſtowed part behind the Horſe, and part behind the Liveries; and by this good Order, their Majeſties and the whole Train paſſed quietly, and without the leaſt interruption.

Their Majeſties coming along *Corn-hill*, ſeven Trumpets that were in the Clock-houſe of the Royal Exchange, gave their ſecond welcom into the City; and as they paſſed along, the Conduit in *Corn-hill*, and the great Conduit in *Cheapſide* ran with Claret Wine, to expreſs the Liberality of the City for that Joyful Day: And all the Way as their Majeſties paſſed along the Streets reſounded again with the Loud and Joyful Acclamations of the People, crying, *God bleſs and long live KING CHARLES and QUEEN MARY*, and their Majeſties reciprocally and heartily Bleſſing and Thanking the People, with all the Expreſſions of Satisfaction imaginable.

Being come to the End of *St. Laurence* Lane, the Paſſage being narrow, neither Horſe nor Foot could be planted there; ſo that only the Sheriffs Officers, the City Counſel and Officers, the Sheriffs, Aldermen, and the Lord Mayor, conducted their Majeſties and their Noble Retinue to *Guild-Hall.*

At their entrance there, divers Honorable Lords and Ladies that had not given their attendance abroad, preſented themſelves to his Majeſtie, and attended Him and the Queen, up to the New, and Old Councel-Chambers, which were appointed for their Repoſe, till Dinner could be ſerved up; the Four Comptrollers for the Day, and about 80 comely and grave Citizens in Foynes and Liveries, ſtanding and making a Lane on both ſides their paſſage, to whom their Majeſties ſhewed gracious Reſpects, the City Muſick playing all the while to Entertain them, during the time of their Repoſe.

As ſoon as their Majeſties had a little repoſed themſelves, Command was given to ſerve up Dinner; the Place appointed for it was the *Huſtings* at the *Eaſt* End of the Hall; which was raiſed almoſt two Yards from the Ground, the Floor being covered with Turky Carpets, and all the Hall, as all the other Rooms, were hanged and adorned with rich Tapeſtry: In the middle of the place where their Majeſties Dined, was hung up a Cloth of Eſtate, and two Chairs of Eſtate were placed under it; before which was a Table of 6 Yards long, at the South End whereof, at two Yards diſtance was a Table of Garniſh 3 Yards ſquare, and at the *North* End was a Room Erected for Muſick of all ſorts; for the Entertainment of their Majeſties while they were at Dinner.

About 4 or 5 ſteps under the place prepared for their Majeſties, was a frame of Timber Erected, and Floored with Deals, a Yard from the Ground, which Extended almoſt to the Hall Door, upon each ſide whereof of was a Table ſet from the upper to the lower end of it; at theſe two Tables, the Lords and Ladies that attended their Majeſties were to Dine, between which was a ſpacious Way left covered with Green Bayes, whereon their Majeſties were to paſs where they ſhould dine.

In the *Weſt* part of the Hall below the Gate, on the *South* ſide, was a long Table placed for the Gentlemen Penſioners; and in all other Rooms, that were not for their Majeſties Retirement, Tables were likewiſe prepared for ſeveral ſorts of their Majeſties attendants.

Dinner was ſerved up in this manner; From their Majeſties Table to the Dreſſer, which was at the *Weſt* End of the Hall, ſtood the 80 Livery Men before mentioned, in two Ranks about 2 yards diſtance from each other, Face to Face; one Rank of them receiving from the Dreſſer the King's Meat, and the other the Prince's, at one and the ſame time; they never ſtirred from their places, but delivered the ſeveral Diſhes from one to another, till it came to the Sewers, who placed them upon the Table. Their Majeſties Table was furniſhed with four Courſes, the firſt conſiſting in 50 Diſhes of Cold Meats, as Brawn, Fiſh, and Cold baked Meats, planted upon the Garniſh or ſide Table; the other three were of all ſorts of Fiſh, Fowl and Fleſh, to the Number of 120 Diſhes of the Choiceſt Kinds that could be procured: After which was ſerved up a moſt Excellent and well ordered Banquet of all ſorts of Sweet-meats and Confections wet and dry.

At the High Table Dined His Majeſty, his Royal Conſort the Queen, the Prince, the Duke of *York*, the Princeſs *Mary*, and the Prince Elector *Palatine*, in this Order; The King ſate under the Cloth of Eſtate, and Her Majeſty cloſe to him on his left hand; On his right hand, about a yard diſtance, ſate the Prince; and about the ſame diſtance from his Highneſs ſate the Prince Elector: At Her Majeſties left hand, about a yard diſtance, was placed the Princeſs *Mary*, and not far from her the Duke of *York*.

The Service for the Tables of the Lords and Ladies was thus ordered: The Liveries before mentioned, after the Meat was placed on the high Table, ſerved up Dinner to thoſe Tables, but in a different poſture; for whereas before, they ſtood in two Ranks Face to Face, they now turned Back to Back, becauſe the Diſhes being ſerved to both Tables together, the one Rank of them might face to one Table, and the other to the other: To theſe two Tables were appointed 10 Meſſes, conſiſting of 500 Diſhes.

Theſe two Tables being furniſhed, care was taken for the reſt of the Train, that were thought fit to be entertained within the Hall, who were all ſerved ſo plentifully, that not one perſon was heard to go diſcontented away: A large Proviſion was made abroad for the Guard, Footmen, Coachmen and the like.

Sir *John Pettus* Knighted.

Their Majeſties were extreamly pleaſed as well with the Excellent Management, as the Plenty and Splendor of the Entertainment; and Dinner being Ended, the King ſent for Mr. *John Pettus*, a Gentleman of an Ancient Family in the County of *Suffolk*, and beſtowed the Honor of Knighthood upon him, as a mark of his Favour to the Lord Mayor, whoſe Daughter he had married.

Their Majeſties having repoſed themſelves ſome little time after Dinner, the Dayes being ſhort, command was given for their Departure, and about Four of the Clock they drew up, and in the ſame Order, with which they were Conducted into the City, they were alſo attended ed to *White-Hall*, with this only difference, that whereas in the Morning the Footmen carried Truncheons in their Hands, they now went with lighted Torches or Flambeaux, which gave ſo great a Light, as that the Night ſeemed to be turned into Day. As they paſſed along, the Trumpets and City Muſick were placed in ſeveral Parts, Sounding and Playing, which together with the continued joyful Acclamations of the People, made the Streets ring again; the Conduits in *Cheapſide* and *Fleet-ſtreet* all the while running with Wine. In their Paſſage by the South door of St. *Paul's* Cathedral, the Quire, with Sackbuts and Cornets, ſung an Anthem of praiſe to God, with Prayers for their Majeſties long Lives, that his Majeſty was extreamly pleaſed with it, and gave them very particular Thanks, as all the way of his Paſſage, He uſed ſuch Expreſſions of his high Contentment, and Senſe of the Affections of his People, that there ſeemed to be a kind of Emulation between him and the City, which ſhould moſt expreſs their kindneſs to each other. The Citizens bleſſing and praying for their Majeſties and their Royal Iſſue, and their Majeſties returning the ſame Bleſſings upon the Heads of the Citizens.

The King was in this manner, amidſt a thouſand Prayers and Acclamations, Conducted to his Palace at *White-Hall*, where the Lord Major coming, humbly to take his leave of his Majeſty, the King out of the abundance of his excellent good Diſpoſition, was graciouſly pleaſed to imbrace the Lord Major, heartily thanking him, and with all giving him in Charge, that in his Name, he ſhould return his Thanks to the whole City.

One would be apt to think by this Days Solemnity, that there was not a more Loyal City, or a more happy Prince in the whole Univerſe; and to ſay the Truth, it may be, the better part of the City, was never more ſincere in their Affections to this moſt Excellent Prince, and could they have kept the Governing Power in their Hands, they would have given other Teſtimonies of their Loyalty, then this Entertainment, tho poſſibly one of the moſt Splendid, Magnificent and well Managed, that ever was given to a King of *England*.

But the prevailing Faction at *Weſtminſter*, who knew it would be impoſſible to carry on their Deſigns againſt the Monarchy, without the Aſſiſtance of *London*, the Magazine of Men and Money, never ceaſed to actuate the Rabble, and inferior Ranks of People, and to Incenſe them againſt the Loyal and Governing Part, till by Tumults, Outrages and Violences, they had wreſted the Power wholly out of the Loyal Hands, and veſted it in ſuch Perſons, as they were aſſured would be ſerviceable to their Intereſt and Deſigns, as hereafter in the ſubſequent Relation we ſhall ſee.

And now poſſibly it will be expected, that I ſhould gratiſy the Reader with an Account of the Tranſactions of that Parliament in *Scotland*, during his Majeſtie's Preſence among them; and if I cannot herein Anſwer the Expectation of the Inquiſitive, I have this to plead in my own juſtification, that the defect is not occaſioned by my want of Induſtry. For during the late aboad of his Royal Highneſs, the Illuſtrious Prince *James* Duke of *York* in that Country, to whoſe prudent Conduct, not only *Scotland* owes ſo much, for its preſent Peace, Eſtabliſhment and Tranquility, but even *England*, is as ſenſible of the good Effects of his Preſence there, as formerly it has been, of the ill Influence the Counſels and Actions of that Nation, have had upon the Affairs of this, I writ to my very Worthy Friend *Francis Turner* Doctor in Divinity one of his Royal Highneſſes Chaplains, to procure me an Authentick Account of thoſe Tranſactions, from the Original Records of the Parliament of *Scotland*. Who in Anſwer to my Requeſt, informed me, how willing he was to oblige the Publick in that particular; but that all thoſe Records were irrecoverably loſt; for it ſeems in the time, when that Scourge of God's Anger, the late Uſurper and Execrable Regicide *Cromwel*, made his inroad into *Scotland*, that he might ſet all the Marks of Slavery upon a Nation, that had the Misfortune to fall under the Power of his Sword, he brought along with him, all the Publick Records of *Scotland*, and depoſited them in the Tower of *London*, and when upon his moſt Gracious Majeſties happy Reſtauration, the King was pleaſed to command the reſtoring of them to that his Ancient Kingdom, as a mark of his Favor, and their regained Liberty, the Ship which was imployed for their Tranſportation, was unfortunately loſt, and Periſhed in her Voyage thither: and though I did not the leaſt doubt of the Truth of this Account, from a Perſon of my Authors Integrity and Honor, yet ſo Induſtrious was I, to preſent the World with ſomething, that might look like an Indeavor, to ſatisfie in this particular, that hoping, at leaſt, that the Titles of the Acts and Graces which then paſſed, were not alſo Shipwrack't, I had recourſe to the Collection of the *Scottiſh* Laws and Statutes, made by Sir *Thomas Murray* of *Glendook*, and now lately Printed by his Majeſties ſpecial Warrant; but to my great diſappointment, from the Parliament holden in the Year 1633 in the Reign of the Royal Martyr, till the year 1661 in the firſt Parliament holden in *Scotland*, after his Majeſties happy Reſtauration, I find a Breach and Interruption, and not ſo much as the Titles of any of thoſe Acts, which paſſed during the time of thoſe diſmal Revolutions; Providence it ſelf ſeeming concerned to Eraſe and obliterate the Records, and Remembrance of the Diſloyalty of that Generation of Men, that ſo their Actions might not remain upon Record, as ill Preſidents to Poſterity: and indeed the Loyalty of the preſent Nobility and Gentry of that Kingdom, has in a great meaſure expiated the Crimes and Errors of their Predeceſſors, as will evidently appear, both by their late firme adherence to the Intereſts of the Crown, during the Commotions raiſed by the Presbyterian Faction in that Kingdom in the Year 1678. and by their annulling all the Proceedings of the Conventions, Aſſemblies and Parliaments from the Year 1640 till the Year 1661.

Part of an Act of the *Scottiſh* Parliament, 1641. making it Treaſon to levy Forces without the King's Commiſſion.

I have met with one Particular however in a little Book, written as was ſuppoſed by Mr. *James Howel*, concerning the Tranſactions of thoſe Times, where he mentions a Law which then paſſed, which was very remarkable, which he ſaith, was the reviving of an old Statute to the ſame Effect, which they cauſed to be Publiſhed throughout the whole Realm of *Scotland*, by which it was Statute and Ordained, *That it ſhould be deteſtable and damnable Treaſon in the higheſt Degree, for any of the* Scots *Nation conjunctly, or ſingly, to levy Arms, or any Military Forces, upon any Pretext whatſoever, without the King's Royal Commiſſion*; which I alſo find mentioned in the Continuation of *Baker*, pag. 514.

But it ſeems Presbyterians and Papiſts agree in this particular, That no Faith is to be kept with Hereticks; for they ſhortly after proved their own Popes, and abſolved themſelves, and the Nation from the Obligation of this Law, by raiſing of Men, and joyning with the *Engliſh* Rebels, as in due time we ſhall ſee.

It

Novemb. 1641.

It is moſt certain, that at this time the King complied, to the utmoſt, with the Deſires of the *Scottiſh* Parliament, inſomuch that they could ſcarce Requeſt ſo faſt as he Granted, his Majeſty being reſolved to put one of his Kingdoms, if poſſible, into a Poſture of Peace and Quietneſs. Several Honors were likewiſe then Conferred, among the reſt the Marquiſs of *Hamilton* was created a Duke, and General *Leſhly* Earl of *Leven*, of whom I meet with theſe two remarkable Particulars. *Leſhly* was ſo tranſported at this extraordinary Bounty and unexpected, as well as unmerited Honor, that he often proteſted, and once particularly at *Perth* upon his Knees, in the Houſe of the Earl of *Kenoul*, that he would never again bear Arms againſt the King; but he not long after made the Poet a Prophet verifying the Verſe,

Nulla Fides Pietaſve viris qui Caſtra ſequuntur.

And for Duke *Hamilton*, there having been a pretended Conſpiracy againſt him and *Argyle*, which though the Proof amounted to nothing at all, yet the Information had ſome oblique Reflections upon his Majeſty, the King who could not conceal his reſentment of this Carriage in *Hamilton*, which he had ſo little merited from him, when he delivered him his Patent of Duke, in Parliament, according to the Cuſtom of that Nation, he told him, that he had not deſerved to be diſtruſted by him, who could not but remember, that when he was accuſed to him of High Treaſon, yet he permitted him even then to lye in his Bed-Chamber; this made *Hamilton* outwardly appear much troubled, for having given the King ſo juſt occaſion of Diſpleaſure; but his great Intereſt in the Faction, formerly mentioned out of the Earl of *Mancheſter*'s Memoires, notwithſtanding all that hath been ſaid by an able Pen, in vindication of him, ſeems not able to guard his Innocence, from the common Fame which went of him, that he betrayed the greateſt Secrets of the King to the Junto, which managed the two Houſes of Parliament, and that by the opportunity of being of the Bed-Chamber, he took the Letters out of the King's Pockets, and from them gave Informations of ſeveral things to the Party, much to the diſadvantage of the King's Affairs.

There is another thing which I cannot omit, which is a Letter of His Majeſties to Mr. *Nicholas* Clerk of the Council, from *Edinburgh*, which I found in the Paper Office, which was as follows:

The King's Letter to Mr. *Nichols*, Clerk of the Council, of his Reſolution to maintain the Church of *England*.

I *Hear it is reported, That at my Return, I intend to alter the Government of the Church of* England, *and to bring it to that Form as it is here. Therefore I Command you, To aſſure all my Servants, that I will be conſtant to the Diſcipline and Doctrine of the Church of* England, *Eſtabliſhed by Queen* Elizabeth, *and my Father, and that I reſolve by the Grace of God to die in the maintenance of it.*

Edinburgh, Oct. 18. 1641. Charles *R.*

Having made this little Holiday with the ſhort gleam of Sun-ſhine in His Majeſties Affairs, we muſt now return to the old Trade again of diging the Quarries of Rebellion.

Friday, Novemb. 26.

The King having ſent for the Lord Keeper, the Houſe gave him leave to attend upon his Majeſty, and appointed the Lord Chief Juſtice of the *Common Pleas* to be *Speaker* of their Houſe till he returned.

Upon his return he informed the Houſe, *That his Majeſty had Commanded him to let their Lordſhips know, That whereas he intended this day to have come to this Houſe, his Majeſty is diverted upon ſome important buſineſs at this time, and withal he is very hoarſe with a Cold, but his Majeſty intends very ſhortly to come to this Houſe.*

E. of *Eſſex* delivers up his Commiſſion of Cap. General on the South-ſide of *Trent*.

The Lord Chamberlain ſignified to this Houſe, That the King being returned home, his Lordſhip hath delivered up his Commiſſion of Captain General of the South *Parts of this Kingdom, into his Majeſties Hands, ſo that his Lordſhip cannot now take any Order, for the Guarding of the Parliament, as was Ordered by the Parliament; therefore he deſired their Lordſhips to conſider, of what Courſe is fit to be taken herein, he having now no Power to obey their Commands.* Hereupon, it was Reſolved to communicate the matter to the Houſe of Commons at a Conference, which was done accordingly.

A Meſſage from the King concerning Guards of the Parliament.

The Lord Keeper declared, *That he had received a Command from the King, that the Houſes ſhould be made acquainted, That His Majeſty hearing that the Parliament have appointed Guards for ſecuring the Houſes, he preſumes they did it upon ſome Reaſons; but his Majeſty not knowing any Reaſons, It is his Majeſties Pleaſure, That the ſaid Guards be diſſolved: for now his Majeſty hopes, that his Preſence will be a Protection to the Parliament. But if there be Occaſion, and his Majeſty ſees Reaſons for it, he will be very forward to take Care there be ſufficient Guards to ſecure the Parliament.* Which was alſo ordered to be added to the Conference which was to be with the Commons.

In the Commons Journal there is the ſame Meſſage with this addition, *That if need be to have a Guard hereafter, his Majeſty will be as glad to have a Guard as any other.*

A Meſſage was alſo ſent by *George Goring* Eſq; *To let their Lordſhips know, That the Houſe of Commons deſire their Lordſhips would be pleaſed to ſend ſome few Lords to Petition his Majeſty in the name of both Houſes, That the Guards may be continued ſtill, and they will within a few dayes bring up ſome Reaſons to ſatisfie his Majeſty for the ſame.*

For the debating of this, the Houſe was adjourned into a Committee during pleaſure; and the Houſe being Reſumed, it was put to the Queſtion, *Whether this Queſtion ſhould be put*, viz. *Whether this Houſe ſhall joyn with the Houſe of Commons, to Petition the King that the Guards may be continued for ſome few dayes, within which time there may be ſome Reaſons given for the further continuance of them.* And it was Reſolved upon by the major part in the Negative.

Then the Houſe agreed, *That the Meſſage brought from the Houſe of Commons ſhould be the Queſtion, and be put* in Terminis, *as it came up from them*; and the Lord Keeper was appointed to write as near as he could remember, the very Words of the Meſſage; which his Lordſhip having read, the Houſe did conceive ſome words were Dubious; for the ſatisfying whereof, the Meſſengers of the Houſe of Commons were called in, and the Lord Keeper ſitting in his place upon the Woolſack, told them, *That there was ſome doubt of ſome Words in the Meſſage, which the Houſe deſired to be ſatisfied in*; and then the Lord Keeper going down to the Barr, as Uſually he does when he receives Meſſages, the Meſſengers of the Houſe of Commons repeated their Meſſage again, and the L. Keeper being returned to his place as *Speaker*, reported the ſaid Meſſage in theſe

Novem. 1641.

theſe Words, *viz. That the Houſe of Commons deſired that their Lordſhips would ſend ſome Lords to the King in the Names of both Houſes, To beſeech his Majeſty to continue the Guards, till they may ſatisfie his Majeſty of the Reaſons why they conceive it neceſſary to have a Guard, which they intend to do within a few dayes.*

And then it was Reſolved upon the Queſtion by the Major part, *That this Houſe doth joyn with the Houſe of Commons in their deſire.* And the Earl of *Warwick* and the Lord *Digby* were Ordered to attend his Majeſty to move him in it, according to the Meſſage.

Saturday, Novemb. 27.
Reaſons againſt ſingle Troops for forming the Cavalry into Regiments.

The Lord *Kimbolton* Reported from the Committee for *Iriſh* Affairs, a Paper containing the Reaſons of the Aſſiſtants to the Committee, for the Forming the Troops of Cavalry into Regiments under Colonels and Sergeant Majors.

(1.) *By reaſon of the continual Debate that would otherwiſe ariſe among the Officers, and their want of Obedience of one to another.*

(2.) *For the more ſpeedy way as well in iſſuing as receiving the Orders, for the better Executing of any Commands whatſoever.*

(3.) *For the Exact Government and Ordering of the Troops as well upon Service, as at other times.*

(4.) *For the better Encouragement of Worthy Men to undertake the Service in hope of Advancement, and that at this very Inſtant Men of Merit that have had better Commands, would be unwilling to ſerve in a more Inferior Condition than they have already.*

(5.) *Though it be ſaid, That in* Ireland, *Regiments will ſeldom come to fight in a Body, yet it may fall out otherwiſe, and then the inconvenience might prove of greater Conſequence then the Charge.*

(6.) *In* Holland, *whileſt their Troops were all ſingle, yet for the time they were to render Service in the Field, they formed Regiments of them, which had their Colonels and Majors appointed for that time; which though they had no certain Pay by thoſe Places, Yet they had other Advantages, by Governments, Commanderies, Companies of Foot, Quarters and ſuch like things, to better their Condition; and at laſt the Prince of* Orange *found it more convenient to ſettle the ſaid Commands to Colonels and Majors, although it were to the greater Charge of the State.*

(7.) *Finally, The General Practice of all Nations, as the* Germans, Swedes, French, *&c. which have tryed all manner of wayes, have for greater conveniency certainly formed their Cavalry into Regiments, and moſt of them alſo allow a Lieutenant Colonel to every Regiment.*

The Earl of *Warwick* and the Lord *Digby* Reported to the Houſe the King's Anſwer touching the Petition of both Houſes for continuing the Guards. *Viz.*

The King's Anſwer concerning the Guards.

I *Did Command the Guards to be diſmiſſed, becauſe I knew no Cauſe the Parliament had of Fears; but I perceived the Moleſtation that the keeping of them would bring upon thoſe Subjects of mine which were to perform that Service; beſides the General Apprehenſions and Jealouſies which thereby might diſquiet all My People: and I do Expect that when the Parliament ſhall deſire of Me any thing like this Extraordinary, and*

that

Novemb. 1641.

that which appears of ill conſequence, that they will give me ſuch particular Reaſons as may ſatisfie My Judgment, if they expect I ſhould grant their Deſire. Yet I am ſo tender of the Parliaments Safety, to ſecure them not only from real, but even imaginary Dangers, That I will Command my Lord of Dorſet, *to appoint ſome of the Train-Bands, only for a few dayes to wait on both Houſes, in which time, if I ſhall be ſatisfied that there is Juſt Reaſon, I will continue them, and likewiſe take ſuch a Courſe for the Safety of My Own Perſon as ſhall be fit, of which I doubt not but that they have as Tender a Care as of their own.*

It was then Ordered, *That this Anſwer ſhall be communicated to the Houſe of Commons at a Conference.*

Private Buſineſs ſet aſide by Order of the Houſe of Lords.

An Order was this day made to put off all private buſineſs till the firſt day of *Hillary* Term, and to be Printed and Publiſhed to prevent the Charge and Trouble which otherwiſe Petitioners who have Cauſes depending, might be put to, in attending the Houſe of Lords.

Monday, Novemb. 29. The two *Sheldens* acquitted of *Beal's* Plot.

This day *William Shelden* Eſquire, and *Edward Shelden* his Brother, who had been taken up by virtue of an Order of the 27*th* of *Novemb.* upon ſuſpition about *Beal's* Information of the 108 men who were to Kill the Parliament-Men, appearing before the Lords, and nothing of Complaint being againſt them; It was thought fit and ſo Ordered, *That they ſhould be forthwith diſcharged of any further attendance, and be freed from any further Reſtraint.*

Then a Letter was read, written to the Lord Chamberlain from the Earl of *St. Albans*, dated the 14*th* of *November*, 1641. from *Ireland*, the Principal Contents whereof were theſe:

Letter from the E. of St. *Albans* in *Ireland*.

That the Town of Gallaway *in* Ireland *is well Fortified, and in Command of Mr.* Willoughby. *That the Province wherein his Lordſhip lives doth utterly miſlike the proceedings of the Rebels; That the County of* Mayo *is quiet: That* 2000 *Rebels are out in* Levain, *but* 4 *Towns ſtand out. That it is a thing of Conſequence, that* Brian O Rourk *here in* England, *ſhould be ſecured, as conceiving him to be a dangerous perſon, in this time of Rebellion in* Ireland, *if he ſhould Eſcape. That the whole Province of* Munſter *is yet quiet. And laſtly, his Lordſhip ended with a Proteſtation of his Faith and Loyalty to the Crown of* England, *while he lives, and will dye in the ſame, and will imploy all his Strength and Endeavours to aſſiſt the King for the Suppreſſion of the Rebels.* Whereupon the Lord Chamberlain was Ordered to return him the Thanks of the Houſe, and the Letter to be communicated to the Houſe of Commons.

The Bill for ſecuring Recuſants with amendments, as alſo the Order for ſecuring to the City the two fifty thouſand pounds, were carried up to the Lords.

In the Houſe of Commons they were very buſie upon a new Bill for Tonnage and Poundage; for the Reader is to take notice, that the Bills before mentioned, were but from two Months to two Months.

It was alſo Voted, That the Lords ſhould be deſired to move the King, that the Earl of *Salisbury* may be Lord Treaſurer, and the Earl of *Pembroke*, Lord High Steward of His Majeſties Houſhold.

Tueſday, Novemb. 30.

The Amendments and Alterations in the Bill concerning the ſecuring of Popiſh Recuſants, were this day read, and it was in the Debate taken into conſideration, whether the firſt Clauſe ſhould ſtand, which was, *That the Perſons of Recuſants ſhould be reſtrained, as the Lords in Parliament ſhould think fit*: or whether it ſhould be altered according as the Houſe of Commons deſired, which was, *That the Lords ſhould have power to diſpoſe of the Perſons of Lords, and the Commons of Commoners*: And in concluſion it was agreed upon, *That for the alterations of the Names of the Perſons in the Bill, and the places of Dwellings, and the Alterations of time, this Houſe agrees and conſents to, but for the reſt the Houſe adheres to the former Clauſe in the Bill.*

Bill for Tonnage and Poundage paſſed the Lords.

The Bill for Tonnage and Poundage brought up from the Commons by Mr. Sollicitor, was read three times Succeſſively, and upon the Queſtion it was Reſolved to paſs as a Law, *Nemine Contradicente.*

The Order for ſecuring the Mony borrowed of the City was likewiſe read, and aſſented to; which was as follows.

The Order for ſecuring the Money borrowed of the City for the Northern expedition, and *Ireland*.

THe Lords and Commons in this preſent Parliament Aſſembled, having a due regard to the good Affections of the City of London, *expreſſed upon ſundry Occaſions, by the advancing and lending of great Sums of Money, for the ſervice of this Common-wealth; and particularly the Sum of* 50000 l. *for ſupplying the preſent Affairs in* Ireland, *all which the ſaid Lords and Commons do take in very good part, and being reſolved to make a full and juſt ſatisfaction for the ſame, do hereby declare, That this ſaid Sum of* 50000 l. *lent for the* Iriſh *Affairs, and the Sum of* 50000 l. *more, lent by the ſaid City unto the Peers attending His Majeſty in the Northern Parts before the beginning of this preſent Parliament, and ſuch other Sums lent by the ſaid City unto this Parliament, which are not yet paid, or otherwiſe ſecured, ſhall be fully ſatisfied and repaid unto the ſaid City of* London, *with Intereſt, after the rate of 8 l.* per cent. *for a Year, out of ſuch Moneys as are or ſhall be raiſed by Authority of Parliament; and for that purpoſe will Exhibit a Bill, and become humble Suiters to His Majeſty, that the ſame may be paſſed with all Expedition. Provided always, that this preſent Declaration ſhall not be in any wiſe prejudicial to any Members of the ſaid Houſe of Commons, who have formerly lent any Sums of Money to this Parliament, nor to the Northern Counties, nor to any perſons whatſoever, to whom the Houſes of Parliament, or the Houſe of Commons have formerly Ordered the Payment of any Sums of Mony, nor to any ſecurity given to them before the making of this Declaration.*

The Commons Reaſons for the Continuance of Guards.

Mr. *Pym* preſents from the Committee the Reaſons of both Houſes of Parliament, for the continuance of a Guard, *viz.*

(1.) *The great numbers of diſorderly, ſuſpicious, and deſperate Perſons, eſpecially of the* Iriſh *Nation lurking in obſcure Allies and Victualling Houſes in the Suburbs, and other places near* London *and* Weſtminſter.

(2.) *The Jealouſie conceived upon the diſcovery of the Deſign in* Scotland, *for the ſurpriſing of the Perſons of divers of the Nobility, Members of the Parliament there, which had been ſpoken of here, ſome few days before it broke out, not without ſome whiſpering intimation, that the like was intended againſt divers Perſons of both Houſes, which found more Credit by reaſon of the former attempts of bringing up the Army to diſturb and inforce this Parliament.*

Novemb. 1641.

(3.) *The Conſpiracy in* Ireland *managed with ſo much ſecreſie, that but for the happy diſcovery at* Dublin, *it had been Executed in all parts of the Kingdom, upon one and the ſame day, or ſoon after, and that ſome of the chief Conſpirators did profeſs, that the like courſe was intended in* England *and* Scotland, *which being found in ſome degree true in* Scotland, *ſeemed the more probable likewiſe to be done in* England.

(4.) *Divers Advertiſements from beyond the Seas, which came over about the ſame Time, that there would be a great alteration in Religion in* England *in a few days, and that the necks of both the Parliaments ſhould be broken.*

(5.) *Divers Examinations of dangerous Speeches, of ſome of the Popiſh and diſcontented party in this Kingdom.*

(6.) *The ſecret Meetings and Conſultations of the Papiſts in ſeveral Parts, their frequent Devotions for the proſperity of ſome great Deſign in hand.*

Theſe ſeveral Conſiderations do move the Parliament to deſire a Guard, under the Command of the Earl of Eſſex; *and they do conceive, there is juſt Cauſe to apprehend that there is ſome wicked and miſchievous practice to interrupt the peaceable proceedings of the Parliament ſtill in hand: for preventing whereof, it is fit the Guards ſhould be ſtill continued under the ſame Command, or ſuch other as they ſhould chuſe. But to have it under the Command of any other, not choſen by themſelves, they can by no means conſent to, and will rather run any hazard then admit of a Precedent ſo dangerous both to this, and to future Parliaments.*

And they humbly leave it to His Majeſty to conſider, whether it will not be fit to ſuffer his High Court of Parliament to enjoy that Priviledge of providing for their own ſafety, which was never denied other inferior Courts: And that he will be pleaſed graciouſly to believe, that they cannot think themſelves ſafe under any Guard, of which they ſhall not be aſſured, that it will be as faithful in defending His Majeſties ſafety as their own, whereof they ſhall always be more careful then of their own.

Among all theſe Reaſons, here is not one word of *Beal* the Taylors Diſcovery of the 108 Men, which for 40 *s.* apiece were to do ſuch ſtrange things; it ſeems by this time they found it an incredible Story, and it is very probable, that if the other grounds of their fears did not proceed from their own Quiver, yet if they had Examined them they would have found them as frivolous as that, or the *Scotch* Deſign againſt *Hamilton* and *Arguile*; which upon the ſtricteſt Scrutiny would not afford more proof then to make a noiſe about the Streets of Plots againſt the Parliament, the better to incite the unruly Multitude to Tumults and Inſurrections, which they now began to raiſe again, to cry out *No Biſhops*, and with unheard of Inſolence to affront His Majeſty, and whoever was Loyal.

But the King having Ordered them a Guard of the Trained Bands, they were ſo diſpleaſed, not at the thing, for they had made uſe of them before, but at His Majeſties appointing them; that it was Ordered in the Houſe of Commons, *That the Guard ſhould be diſmiſſed*; and without giving His Majeſty an Account, or preſenting him with the Reaſons above recited, the very ſame day, Mr. *Glyn* and Mr. *Wheeler* were Ordered to require the High Conſtable of *Weſtminſter*, to provide a ſtrong and ſufficient Watch in their ſtead.

Novemb. 1641.

Order for a Declaration to clear the Kings Honor from the Scandals of the *Iriſh* Rebels.

But to make a little flouriſh of Loyalty, and tenderneſs for the King's Honour and Reputation, it was this day Ordered, *That a Declaration be drawn for clearing His Majeſties honour from falſe Reports caſt upon him by the Rebels in* Ireland, *and a Proviſion to be made, that there may be no Concluſion of that War to the prejudice of this Kingdom.*

There might be malice even in this ſeeming kindneſs, for whilſt they pretended to vindicate His Majeſties Honour, they divulged the Scandal to the whole Nation; and by their ſubſequent Actions and Declarations, which within a little while after they publiſhed to improve the belief of that Scandal, one would think they intended to prepare the way for it by this plauſible pretence of a Vindication.

The Names of the Committee who were appointed to deliver the *Remonſtrance*.

And moſt certainly they could intend him no real Reparation, when themſelves were this Day reſolved to defame his Government, from the very beginning of his Reign, by that Scandalous Remonſtrance of the State of the Kingdom; for this very Day Mr. *Pym*, Sir *Symon D'Ewes*, Sir *Arthur Ingram*, Sir *John Thyn*, Sir *Henry Bellaſis*, Lord *Gray*, Sir *Chriſtopher Wray*, Lord *Fairfax*, Sir *Ralph Hopton*, Sir *Richard Winn*, Sir *John Corbet*, Sir *Edward Deering* and Sir *Arthur Haſlerig*, were Ordered to wait upon his Majeſty, what time he appoints, with the Petition and Declaration: and indeed all their Actions ſeemed to carry Fire in one Hand and Water in the other; for the ſame Committee was appointed to draw up the Petition, together with ſome Reaſons which neceſſitated the Houſe make this Declaration, were at the ſame time ordered to frame a Congratulation for his Majeſties ſafe return from *Scotland*.

And that the Reader may perceive the true Reaſon, why they made uſe of this *Fucus* of pretended Loyalty to paint over their Deſigns, and that the Remonſtrance was very early projected by the Faction, even in the beginning of the Parliament, I muſt once more preſent him with a Paſſage out of the Memoires of the late Earl of *Mancheſter*.

“The Grievances of the Kingdom, having been fully enumerated
“and declared, ſome of the Members of both Houſes, had private
“Meetings and Conſultations how to direct their Parliamentary Re-
“ſolutions, in order to preſent Redreſs and future Security: and it
“was conceived by them to be the moſt certain Way, and moſt conſi-
“ſtent with the Duty and Allegiance of Subjects, to fix their Com-
“plaints and Accuſations upon evil Counſellors, as the immediate A-
“ctors, in the Tragical Miſeries of the Kingdom, rather then upon the
“perſonal Failings, and Mal-adminiſtrations in the King; Therefore it
“was reſolved, *That the Houſe of Commons, as the Grand Inqueſt of the*
“*Kingdom, ſhould draw up ſuch a Remonſtrance, as might be a faithful and*
“*lively Repreſentation to his Majeſty, of the deplorable Eſtate of his*
“*Kingdom, and might point out unto him, thoſe that were moſt Obnoxious*
“*and Liable to Cenſure; owning ſtill ſuch a due regard to his Royal Autho-*
“*rity, as not to mention his Name but with Honor; and in the deepeſt*
“*Senſe of their former Grievances, to render him Thanks for the calling*
“*this Parliament, as the happy Omen to their preſent Hopes of future Re-*
“*dreſs and Eſtabliſhment.*

By which ſhort paſſage, one may plainly ſee the Method by which they conducted themſelves, which was to preface their moſt ſcandalous Declarations, and moſt unreaſonable Demands, with the fair Expreſſions of Loyalty, Duty, Allegiance and Honor to his Majeſties Perſon, Decem. 1641.

and that all their Animoſities, were only againſt the Evil Counſellor who Adminiſtred the Publick Affairs, but for the King, they had no other Intentions, then to render him Great and Glorious, and to eſtabliſh the Throne to him and his Poſterity.

Wedneſday, Decemb. 1. Biſhop of *Exeter*'s Report about Books formerly ſeized by the High Commiſſion.

But to proceed in the Parliamentary Tranſactions, this Day the Biſhop of *Exon* reported to the Lords Houſe, *That the Committee formerly appointed by their Houſe, have peruſed thoſe Books, which were ſeized on coming from beyond the Seas, and others printed in* England, *and put into the Hands of the Regiſter of the High Commiſſion Court, and the Committee finds them to be of three ſeveral ſorts.*

(1) Such as are fit to be delivered to the Owners, and to be ſold by the Stationers as good and vendible Books, *viz.*

The Holy Table, Name and Thing.

Mr. Walker's *Treaty of the Sabbath.*

A French Commentary on the Revelations.

Dr. Burgeſs *his Rejoynder for Ceremonies.*

Some old Books of Controverſies.

A Second ſort of Books, which the Committee thinks fit to be ſold to choice Perſons, as

Cauſin's 4th *Tome of Holy Court in fol. of which there are* 370.

Thomas de Kempis *of the following of Chriſt*, *of which there are* 100 *in Decimo Sexto.*

The Life of Sir Thomas Moor.

A Third ſort of Superſtitious Tablets and Books, which are fit to be Burnt, as

Miſſals, Primers and Offices of our Lady, &c.

The Order of the Lords concerning ſome Popiſh and other Books.

Hereupon it was Ordered by this Houſe, *That the firſt ſort of Books are approved of by this Houſe, and are to be delivered to the Owners, and to be ſold by the Stationers, and that the ſecond ſort be delivered over to ſafe Hands, to be ſold to Noblemen, Gentlemen and Schollars, but not to Women; and laſtly, That the third ſort, be burned by the Sheriffs of* London *in* Smithfield *forthwith.*

Sir *Henry Beddingfield* of *Norfolk* his Examination.

Sir *Henry Beddingfield* who was formerly ſent for by Order of the Lords, was brought in, and the Information of *William Shales* was read unto him; which being done, Sir *Henry Beddingfield* deſired he might anſwer particularly to the Charge. But there being ſeveral Opinions in the Houſe herein, he was commanded to withdraw, and the Houſe took it into Conſideration and Reſolved he ſhould be asked Generals before Particulars. Sir *Henry* was called in again, and the *Speaker* by Directions of the Houſe asked him theſe Queſtions;

(1.) *Whether he knowes one* William Shales?

(2.) *Whether he was with him in his Garden at the time mentioned in the Information, and who elſe was with him?*

(3.) *What Diſcourſe he had with* Shales?

(4.) *How long he had known* Shales?

Sir *Henry Beddingfield*'s Anſwer was,

(1.) *That he knowes* William Shales, *for he was formerly his Faulkner.*

(2.) *That* Shales *was with him in his Garden in* April *laſt, and* Poole *with them.*

(3.) *That their Diſcourſe was, Where the beſt place for Hawking was in* Ireland, *and no other diſcourſe.*

It was then deſired, That Sir *Henry Beddingfield* might be asked, *Whether that* Poole *be a Prieſt?* And it was objected, *That thereby he might accuſe himſelf*; but he being not upon Oath, was asked the Queſtion, and he Anſwered, *That* Poole *was no Prieſt.*

After this *Poole* was Examined upon Oath, What he knowes concerning the Information of *William Shales*?

He anſwered, *That he was preſent at the Diſcourſe between Sir* Henry Beddingfield *and the ſaid* Shales, *and he remembred they diſcourſed in the Garden of Hawking, and what kind of Country* Ireland *was for Hawking, and about taking of a Houſe at* Kilkenny, *and that* Shales *ſaid, All things were quiet in* Ireland: *but denied he heard or knowes any more.*

Sir H. Beddingfield acquitted.

The Houſe taking the whole buſineſs into Conſideration, and finding no ſufficient matter to proceed againſt Sir *Henry Beddingfield*; Ordered, *That he be releaſed from his preſent reſtraint, and diſmiſſed from any further attendance upon this Houſe for any thing concerning this Buſineſs: And laſtly, that his Study ſhall be Unſealed and opened, as it was before any Order of this Houſe ſerved upon him.*

A Conference concerning the Impeached Biſhops, and *Phillips* the Prieſt.

The Lord Keeper Reported a Conference this day had with the Commons, concerning the Impeached Biſhops, and *Phillips* the Prieſt:

That the Houſe of Commons have received the Plea and Demurrer of 12 *of the* 13 *Biſhops that are impeached for making the Book of Canons, &c. contrary to Law, and that one of them pleads Not Guilty, the other* 12 *neither confeſſed nor denyed the Charge: The Houſe of Commons are ready to make it good by proof, and do deſire a ſhort day to be prefixed for that Purpoſe.*

Concerning Phillips *the Prieſt, the Houſe of Commons ſay, That they underſtand their Lordſhips have received ſatisfaction from him, for the Contempt done to their Houſe: That the general buſineſs of the Kingdom hindered the preparing of Articles againſt him; but they ſhall be ready in convenient time to give him a Charge. And in regard they hear he is not well, they are contented he ſhall be removed to* * Denmark *Houſe, he putting in Caution not to go to Court, and to appear when he ſhall be required.*

* Now *Somerſet-Houſe.*

Hereupon it was Ordered, *That* Phillips *ſhall upon theſe Cautions, finding Sureties, be releaſed from his impriſonment in the Tower.*

It was alſo Ordered, *That the Lords the Biſhops that are Impeached, ſhall be heard by their Council on* Friday *next at the Bar what they can ſay, why this Motion ſhould not be granted.*

Tumults.

But the Faction of the Commons were reſolved, as before they had done in the Caſe of the Earl of *Strafford*, to obtain that by the Force of Tumults, that they could not obtain by Law or Reaſon. The Lords however were ſo ſenſible of this affront put upon the Freedom of the

Parliament, that it was Ordered, *That all the Judges do conſult among themſelves, what Courſe is fit to be taken to prevent Riots, Routs, and unlawful Aſſemblies; and having conſidered of the Laws and Statutes in this Caſe, to preſent their opinions to the Houſe to morrow Morning; and in the mean time to have a Conference with the Commons concerning the Tumults.*

In the Commons Houſe Serjeant *Wild* Reports the Conference, *That the Lord Keeper told the Committee, That their Lordſhips had received Information of great numbers of People gathered together in a Tumultuous, Unuſual, and Diſorderly manner about the Houſes of Parliament; and therefore deſired the Commons Houſe to joyn with them in a Declaration to remove them, and that for theſe Two Reaſons. Firſt, If theſe diſorders ſhould continue, they might render the good Acts and Proviſions of this Parliament of ſuſpicion to Poſterity, by the interpretation of ill Miniſters. Secondly, Becauſe it did not ſtand with the Dignity of Parliament to ſuffer ſuch Tumults to be ſo near the Houſes of Parliament.*

The Houſe being informed, That *Phillips* had a Trunk brought to him to the Tower by Two *Capuchins*, it was Ordered, *That the Lieutenant of the Tower, and Sir* William Parkhurſt *ſhall ſearch his Trunk, and if there be any Papers that concern the State, to ſecure them, till the pleaſure of this Houſe be known.*

The Committee formerly named to wait upon the King with the Petition and Declaration, were Ordered to go forthwith to preſent them to the King: Sir *Edward Deering* to read it to His Majeſty, and in his abſence Sir *Ralph Hopton* to read it: If he be abſent, the Committee to appoint the Perſon that ſhall read it. Accordingly the Committee went this day, and attended His Majeſty with the ſaid Petition and Remonſtrance; which, as I find it Printed in *Husband*'s Collections, was in theſe words.

The Petition of the Houſe of Commons, which Accompanied the Declaration of the State of the Kingdom.

Moſt Gracious Soveraign,

The Petition and Declaration of the State of the Kingdom, delivered by the Commons to the King at *Hampton-Court*, *Dec.* 1. 1641.

YOur Majeſties Moſt Humble and Faithful Subjects the Commons in this preſent Parliament Aſſembled, do with much thankfulneſs and joy, acknowledge the great Mercy and Favour of God in giving your Majeſty a ſafe and peaceable return out of *Scotland*, into your Kingdom of *England*, where the preſſing dangers and diſtempers of the State have cauſed us with much earneſtneſs to deſire the comfort of your Gracious Preſence, and likewiſe the Unity and Juſtice of your Royal Authority to give more Life and Power to the Dutiful and Loyal Counſels, and endeavours of your Parliament, for the prevention of that imminent ruine and deſtruction wherewith your Kingdoms of *England* and *Scotland* are threatned. The Duty which we ow to your Majeſty and our Country, cannot but make us very ſenſible and apprehenſive, that the multiplicity, ſharpneſs and malignity of thoſe Evils under which we have now many years ſuffered, are fomented and cheriſhed by a corrupt and ill-affected Party, who amongſt other their miſchievous devices for the alteration of Religion and Government, have ſought by many falſe ſcandals and imputations cunningly inſinuated, and diſperſed amongſt the People, to blemiſh and diſgrace our Proceedings in this Parliament, and to get themſelves a Party and Faction amongſt your Subjects, for the better ſtrengthening of themſelves in their wicked courſes, and hindring thoſe Proviſions, and Remedies which might by the wiſdom of your Majeſty, and Council of your Parliament be oppoſed againſt them.

For preventing whereof, and the better Information of your Majeſty, your Peers, and all other your Loyal Subjects, we have been neceſſitated to make a Declaration of the State of the Kingdom, both before and ſince the Aſſembly of this Parliament unto this time, which we do humbly preſent to your Majeſty without the leaſt intention to lay any blemiſh upon your Royal Perſon, but only to repreſent how your Royal Authority and Truſt have been abuſed, to the great prejudice and danger of your Majeſty, and of all your good Subjects.

And becauſe we have reaſon to believe that thoſe Malignant Parties, whoſe Proceedings evidently appear to be, mainly for the advantage and encreaſe of Popery, is compoſed, ſet up, and acted by the ſubtile practice of the Jeſuits, and other Engineers and Factors for *Rome*, and to the great danger of this Kingdom, and moſt grievous affliction of your Loyal Subjects, have ſo far prevailed, as to corrupt divers of your Biſhops, and others in prime places of the Church, and alſo to bring divers of theſe Inſtruments to be of your Privy-Council, and other employments of truſt and nearneſs about your Majeſty, the Prince, and the reſt of your Royal Children.

And by this means hath had ſuch an Operation in your Council, and the moſt Important Affairs and Proceedings of your Government, that a moſt dangerous diviſion and chargeable Preparation for War betwixt your Kingdoms of *England* and *Scotland*, the encreaſe of jealouſies betwixt your Majeſty and your moſt Obedient Subjects, the violent diſtraction and interruption of this Parliament, the Inſurrection of the Papiſts in your Kingdom of *Ireland*, and bloody Maſſacre of your people, have been not only endeavoured and attempted, but in a great meaſure compaſſed and effected.

For preventing the final accompliſhment whereof, your poor Subjects are enforced to engage their Perſons and Eſtates to the maintaining of a very expenceful and dangerous War, notwithſtanding they have already ſince the beginning of this Parliament undergone the Charge of 150000 Pounds Sterling or thereabouts. For the neceſſary ſupport and ſupply of your Majeſty in theſe preſent and perillous Deſigns. And becauſe all our moſt faithful endeavours, and engagements will be ineffectual for the Peace, Safety, and Preſervation of your Majeſty and your People, if ſome preſent, real and effectual courſe be not taken for ſuppreſſing this wicked and malignant Party.

We Your Moſt Humble and Obedient Subjects do with all faithfulneſs and humility beſeech your Majeſty,

1. That you will be graciouſly pleaſed to concur with the humble deſires of your People in a Parliamentary way, for the preſerving the Peace and Safety of the Kingdom from the malicious Deſigns of the Popiſh Party.

For depriving the Biſhops of their Votes in Parliament, and abridging their immoderate Power Uſurped over the Clergy, and other your good Subjects, which they have moſt pernicioſly abuſed to the hazard of Religion, and great prejudice and oppreſſion of the Laws of the Kingdom, and juſt Liberty of your People.

For the taking away ſuch oppreſſions in Religion, Church-Government, and Diſcipline, as have been brought in and fomented by them.

For Uniting all ſuch your Loyal Subjects together, as joyn in the ſame fundamental truths againſt the Papiſts, by removing ſome oppreſſions and unneceſſary Ceremonies, by which divers weak Conſciences have been ſcrupled, and ſeem to be divided from the reſt, for the due Execution of thoſe good Laws which have been made for ſecuring the Liberty of your Subjects.

2. That your Majeſty will likewiſe be pleaſed to remove from your Council all ſuch as perſiſt to favour, and promote any of thoſe Preſſures and corruptions wherewith your People have been grieved, and that for the future your Majeſty will vouchſafe to employ ſuch Perſons in your great and publick Affairs, and to take ſuch to be near you in places of Truſt, as your Parliament may have cauſe to confide in, that in your Princely Goodneſs to your People, you will reject and refuſe all mediation and ſolicitation to the contrary, how powerful and near ſoever.

3. That

Decemb. 1641.

3. That you will be pleaſed to forbear to alienate any of the forfeited and eſcheated Lands in *Ireland* which ſhall accrue to your Crown,by reaſon of this Rebellion, that out of them the Crown may be the better ſupported, and ſome ſatisfaction made to your Subjects of this Kingdom, for the great expences they are like to undergo this War.

Which humble deſires of ours being graciouſly fulfilled by your Majeſty, we will by the bleſſing and favour of God moſt cheerfully undergo the hazard and expences of this War,and apply our ſelves to ſuch other courſes and councils as may ſupport your Royal Eſtate with Honour and Plenty at home, with Power and Reputation abroad,and by our Loyal Affections, Obedience, and Service, lay a ſure and laſting Foundation of the greatneſs and proſperity of your Majeſty, and your Royal Poſterity in future times.

A Remonſtrance of the State of the Kingdom.

THE Commons in this preſent Parliament Aſſembled, having with much earneſtneſs, and faithfulneſs of affection and zeal to the publick good of this Kingdom, and his Majeſties Honour and Service, for the ſpace of Twelve Months, wraſtled with the great dangers and fears, the preſſing miſeries and calamities,the various diſtempers and diſorders,which had not only aſſaulted,but even over-whelmed and extinguiſht the Liberty, Peace, and Proſperity of this Kingdom, the comfort and hopes of all his Majeſties good Subjects, and exceedingly weakned and undermined the Foundation, and ſtrength of his own Royal Throne; Do yet find an abounding Malignity, and oppoſition in thoſe Parties and Factions, who have been the cauſe of thoſe Evils, and do ſtill labour to caſt Aſperſions, upon that which hath been done, and to raiſe many difficulties for the hindrance of that which remains yet undone, and to foment Jealouſies betwixt the King and Parliament; That ſo they may deprive him and his People,of the fruit of his own gracious Intentions,and their humble deſires of procuring the publick Peace, Safety, and Happineſs of this Realm. For the preventing of thoſe miſerable effects,which ſuch malicious endeavours may produce, We have thought good to declare,

1. *The Root and the growth of theſe miſchievous Deſigns.*
2. *The Maturity and Ripeneſs, to which they have attained before the beginning of the Parliament.*
3. *The effectual means which hath been uſed for the extirpations of thoſe dangerous evils, and the Progreſs which hath therein been made by his Majeſties goodneſs, and the Wiſdom of the Parliament.*
4. *The ways of obſtruction and oppoſition, by which that Progreſs hath been interrupted.*
5. *The courſes to be taken for the removing thoſe Obſtacles, and for the accompliſhing of our moſt dutiful, and faithful intentions,and endeavours, of reſtoring and Eſtabliſhing the Ancient Honour,Greatneſs,and Security of this Crown and Nation.*

The Root of all this Miſchief, we find to be a Malignant, and pernicious deſign of ſubverting the Fundamental Laws, and Principles of Government; upon which the Religion, and Juſtice of this Kingdom, are firmly Eſtabliſht. The Actors and Promoters hereof have been,

1. *The Jeſuited Papiſts who hate the Laws, as the Obſtacles of that change and Subverſion of Religion, which they ſo much long for.*
2. *The Biſhops, and the corrupt part of the Clergy, who cheriſh Formality, and ſuperſtition, as the natural effects, and more probable ſupports of their own Eccleſiaſtical Tyranny, and Uſurpation.*
3. *Such Councellors and Courtiers as for private ends have engaged themſelves to further the Intereſts of ſome Forraign Princes, or States, to the prejudice of his Majeſty, and the State at home.*

The Common Principles, by which they moulded and Governed all their particular Counſels and Actions were theſe.

Firſt, to maintain continual differences, and diſcontents betwixt the King, and the

the People upon Queſtions of Prerogative and Liberty, that ſo they might have the advantage of ſiding with him, and under the notions of Men, addicted to his ſervice, gain to themſelves and their Parties, the place of greateſt truſt and power in the Kingdom.

A Second, To ſuppreſs the Purity and Power of Religion, and ſuch as were beſt affected to it; as being contrary to their own ends, and the greateſt impediment to that change, which they thought to introduce.

A Third, To conjoyn thoſe Parties of the Kingdom, which were moſt propitious to their own ends, and to divide thoſe who were moſt oppoſite, which conſiſted in many particular Obſervations; to cheriſh the Arminian *part in thoſe points, wherein they agree with the Papiſts, to multiply and enlarge the difference between the common Proteſtants, and thoſe whom they call Puritans, to introduce and countenance ſuch Opinions and Ceremonies, as are fitteſt for Accommodation with Popery, to encreaſe and maintain ignorance, looſneſs and prophaneneſs in the People: That of thoſe three Parties, Papiſts,* Arminians, *and* Libertines, *they might compoſe a body fit to act ſuch counſels and reſolutions, as were moſt conducible to their own ends.*

A Fourth, to diaffect the King to Parliaments by ſlanders, and falſe imputations, and by putting him upon other ways of ſupply, which in ſhew and appearance were fuller of advantage, then the ordinary courſe of Subſidies, though in truth they brought more loſs then gain, both to the King and People, and have cauſed the diſtractions, under which we both ſuffer.

As in all compounded bodies, the Operations are qualified according to the predominant Element; So in this mixt party, the Jeſuited Councils being moſt active and prevailing, may eaſily be diſcovered to have had the greateſt ſway in all their determinations, and if they be not prevented, are likely to devour the reſt, or to turn them into their own nature.

In the beginning of his Majeſties Reign, the Party begun to revive and flouriſh again, having been ſomewhat dampt by the breach with *Spain* in the laſt year of King *James*, and by his Majeſties Marriage with *France*; the Intereſt and Counſels of that State, being not ſo contrary to the good of Religion, and the Proſperity of this Kingdom, as thoſe of *Spain*; and the Papiſts of *England*, having been ever more addicted to *Spain*, then *France*; yet they ſtill retained a Purpoſe and Reſolution to weaken the Proteſtant Parties in all Parts, and even in *France*, whereby to make way for the Change of Religion, which they intended at Home.

The firſt Effect and Evidence of their Recovery and Strength, was the diſſolution of the Parliament at *Oxford*, after there had been given two Subſidies to his Majeſty; and before they received Relief in any one Grievance, many other more miſerable Effects followed.

The loſs of the *Rochel* Fleet, by the help of our Shipping, ſet forth and delivered over to the *French*, in oppoſition to the Advice of Parliament, which left that Town without Defence by Sea, and made way not only to the loſs of that important Place, but likewiſe to the loſs of all the Strength and Security of the Proteſtant Religion in *France*.

The diverting of his Majeſties courſe of Wars from the Weſt-Indies, which was the moſt facile and hopeful way for this Kingdom to prevail againſt the *Spaniard*, to an expenceful and unſucceſsful Attempt upon *Cales*, which was ſo ordered, as if it had rather bin intended to make us weary of War, then to proſper in it.

The precipitate breach with *France*, by taking their Ships to a great value, without making recompence to the *Engliſh*, whoſe Goods were thereupon imbar'd and confiſcate in that Kingdom.

The Peace with *Spain*, without Conſent of Parliament, contrary to the promiſe of King *James* to both Houſes; whereby the *Palatine* Cauſe was deſerted, and left to Chargeable and Hopeleſs Treaties, which, for the moſt part, were Managed by thoſe, who might juſtly be ſuſpected to be no Friends to that Cauſe.

The charging of the Kingdom with Billeted Soldiers in all Parts of it, and that Concomitant Deſign of *German* Horſe, that the Land might either ſubmit with Fear, or be inforced with Rigour to ſuch Arbitrary Contributions, as ſhould be required of them.

Decemb.
1641.

' The diſſolving of the Parliament in the ſecond Year of his Majeſties Reign, after a Declaration of their Intent to grant five Subſidies.

The exacting of the like proportion of five Subſidies after the Parliament diſſolved, by Commiſſion of Loan; and divers Gentlemen and others impriſoned for not yeilding to pay that Loan, whereby many of them contracted ſuch ſickneſſes, as coſt them their Lives. Great Summs of Money required, and raiſed by Privy Seals. An unjuſt and pernicious attempt to extort great Payments from the Subject, by way of Exciſe; and a Commiſſion iſſued under Seal to that purpoſe. The Petition of Right, which was granted in full Parliament, blaſted with an illegal Declaration, to make it deſtructive to it ſelf, to the Power of Parliament, to the Liberty of the Subject, and to that purpoſe printed with it; and the Petition made of no uſe, but to ſhew the bold and preſumptuous injuſtice of ſuch Miniſters as durſt break the Laws, and ſuppreſs the Liberties of the Kingdom, after they had been ſo Solemnly and evidently declared.

Another Parliament diſſolved, 4 *Car.* the Privilege of Parliament broken, by impriſoning divers Members of the Houſe, detaining them cloſe Priſoners for many Months together, without the Liberty of uſing Books, Pen, Ink, or Paper, denying them all the Comforts of Life, all Means of preſervation of Health, not permitting their Wives to come unto them, even in time of their Sickneſs. And for the compleating of that Cruelty, after Years ſpent in ſuch miſerable durance, depriving them of the neceſſary means of Spiritual Conſolation, not ſuffering them to go abroad to enjoy God's Ordinances in God's Houſe, or God's Miniſters to come to them, to adminiſter Comfort unto them in their private Chambers: and to keep them ſtill in this oppreſſed Condition, not admitting them to be bailed according to Law, yet vexing them with Informations in inferior Courts, Sentencing and Fining ſome of them for Matters done in Parliament, and Extorting the Payments of thoſe Fines from them, inforcing others to put in Security of good Behaviour, before they could be releaſed.

The Impriſonment of the reſt which refuſed to be bound, ſtill continued; which might have been perpetual, if neceſſity had not the laſt year brought another Parliament to relieve them; of whom one died, by the cruelty and harſhneſs of his Impriſonment, which would admit of no relaxation, notwithſtanding the Imminent Danger of his Life did ſufficiently appear, by the Declaration of his Phyſician; And his releaſe, or at leaſt, his refreſhment, was ſought by many humble Petitions. And his Blood ſtill cryes either for Vengeance, or Repentance of thoſe Miniſters of State, who have at once obſtructed the courſe both of his Majeſties Juſtice and Mercy.

Upon the Diſſolution of both theſe Parliaments, untrue and ſcandalous Declarations Publiſhed, to aſperſe their Proceedings, and ſome of their Members, unjuſtly to make them odious, and colour the Violence which was uſed againſt them. Proclamations ſet out to the ſame purpoſe; and to the great dejecting of the hearts of the People, forbidding them, to ſpeak of Parliaments.

After the Breach of Parliament, in the fourth year of his Majeſty, Injuſtice, Oppreſſion, and Violence, broke in upon us, without any reſtraint or moderation; and yet the firſt project, was the great Sums exacted thorough the whole Kingdom, for default of Knighthood, which ſeemed to have ſome colour and ſhadow of a Law; yet if it be rightly examined by that obſolete Law which was pretended for it, it would be found to be againſt all the Rules of Juſtice, both in reſpect of the perſons charged, the proportion of the Fines demanded, and the abſurd and unreaſonable manner of their Proceedings. Tonnage and Poundage hath been received without colour or pretence of Law: many other heavy impoſitions continued againſt Law: and ſome ſo unreaſonable, that the ſum of the Charge, exceeds the value of the Goods. The Book of Rates lately inhanſed to a high proportion; and ſuch Merchants as would not ſubmit to their Illegal and unreaſonable Payments, were vexed and oppreſſed above meaſure; and the ordinary courſe of Juſtice, the common Birth-right of the Subject of *England*, wholly obſtructed unto them. And although all this was taken upon pretence of Guarding the Sea, yet a new and unheard of Tax of Ship-money was deviſed, upon the ſame pretence. By both which, there was charged upon the Subject near 700000 Pounds ſome years; and yet the Merchants have been left ſo naked to the violence of the *Turkiſh* Pirates that many great

Decemb. 1641.

great Ships of value, and thouſands of his Majeſties Subjects have been taken by them, and do ſtill remain in miſerable ſlavery.

The enlargement of Forreſts, contrary to *Charta de Foreſta*, and the compoſition thereupon. The exactions of Coat and Conduct Money, and divers other Military Charges. The taking away the Arms of the Trained-Bands of divers Counties. The deſperate Deſign of engroſſing all the Gun-Powder into one hand, keeping it in the Tower of *London*, and ſetting ſo high a Rate upon it, that the Poorer ſort were not able to buy it, nor could any have it without Licence; thereby to leave the ſeveral parts of the Kingdom deſtitute of their neceſſary defence; and by ſelling ſo dear that which was ſold, to make an unlawful advantage of it, to the great Charge and detriment of the Subject; the general deſtruction of the Kings Timber, eſpecially that in the Forreſt of *Dean*, ſold to Papiſts, which was the beſt Store-houſe of this Kingdom, for the maintenance of our Shipping; the taking away of mens right, under colour of the Kings Title to Land between high and low Water-Marks. The Monopolies of Soap, Salt, Wine, Leather, Sea-Cole, and in a manner, of all things of moſt common and neceſſary uſe. The reſtraint of the Liberties of the Subjects in their habitation, Trades, and other Intereſt. Their vexation and oppreſſion by Purveyors, Clerks of the Market, and Salt-Peter-men. The ſale of pretended Nuſances, as Buildings in and about *London*, converſion of Arable into Paſture, continuance of Paſture, under the name of depopulation, have drawn many Millions out of the Subjects Purſes, without any conſiderable profit to his Majeſty. Large quantities of Common, and ſeveral Grounds, have been taken from the Subject, by colour of the Statute of Improvement, and by abuſe of the Commiſſion of Sewers, without their conſent, and againſt it. And not only private Intereſt, but alſo publick faith hath been broken, in ſeizing of the Money and Bullion in the Mint; and the whole Kingdom like to be robb'd at once, in that abominable project of Braſs-Money. Great numbers of his Majeſties Subjects, for refuſing thoſe unlawful charges, have been vext with long and expenſive Suits; ſome fined and cenſured, others committed to long and hard impriſonments and confinements, to the loſs of health of many, of life in ſome; and others have had their houſes broken up, their goods Seized, ſome have been reſtrained from their lawful Callings: Ships have been interrupted in their Voyages, ſurprized at Sea in an Hoſtile manner by Projectors, as by a common Enemy: Merchants prohibited to unlade their Goods in ſuch Ports, as were for their own advantage, and forced to bring them to thoſe places, which were moſt for the advantages of the Monopolizers and Projectors. The Court of Star-Chamber hath abounded in extravagant cenſures, not only for the maintenance and improvement of Monopolies, and other unlawful Taxes; but for divers other Cauſes, where there hath been no offence, or very ſmall; whereby his Majeſties Subjects have been oppreſſed by grievous Fines, Impriſonments, Stigmatizings, Mutilations, Whippings, Pillories, Gags, Confinements, Baniſhments; after ſo rigid a manner, as hath not only deprived Men of the Society of their friends, exerciſe of their profeſſions, comfort of Books, uſe of Paper or Ink, but even violated that near Union, which God hath Eſtabliſht betwixt Men and their Wives, by forced and conſtrained ſeparation; whereby they have been bereaved of the comfort and converſation one of another for many years together without hope of relief; if God had not by his over-ruling Providence, given ſome interruption to the prevailing Power, and Council of thoſe who were the Authors and Promoters of ſuch peremptory and heady courſes.

Judges have been put out of their places, for refuſing to do againſt their Oaths, and Conſciences: others have been ſo awed, that they durſt not do their duties, and the better to hold a Rod over them, the Clauſe *quam diu ſe bene geſſerit* was left out of their Patents, and a new Clauſe *Durante bene placito* inſerted. Lawyers have been checkt, for being faithful to their Clients; Solicitors and Attorneys have been threatned, and ſome puniſhed for following lawful Suits: And by this means all the approaches to Juſtice were interrupted and forecluded. New Oaths have been forced upon the Subject againſt Law; new Judicatories Erected without Law: The Council-Table have by their Orders, offered to bind the Subjects in their Free-holds, Eſtates, Suits, and Actions. The pretended Court of the Earl-Marſhal was Arbitrary, and Illegal in its being, and

Decemb. 1641.

Proceedings. The Chancery, Exchequer-Chamber, Court of Wards, and other *Engliſh* Courts have been grievous exceeding in their Juriſdiction. The Eſtate of many Families weakned; and ſome ruined by exceſſive Fines, exacted from them for compoſitions of Wardſhips. All Leaſes of above a hundred years, made to draw on Wardſhip contrary to Law. Undue proceedings uſed in the finding of Offices, to make the Jury find for the King, the Common-Law Courts, ſeeing all men more enclined to ſeek Juſtice there, where it may be fitted to their own deſire, are known frequently to forſake the Rules of the Common-Law, and ſtraining beyond their bounds, under pretence of equity to do Injuſtice. Titles of Honour, Judicial places, Serjeantſhips at Law, and other Offices have been ſold for great Sums of Money; whereby the common Juſtice of the Kingdom hath been much endangered, not only by opening a way of employment in places of great truſt, and advantage to Men of weak parts; but alſo by giving occaſion to Bribery, Extortion, Partiality; It ſeldom hapning that places ill-gotten are well uſed. Commiſſions have been granted for Examining the exceſs of Fees: and when great exactions have been diſcovered, Compoſitions have been made with Delinquents, not only for the time paſt, but likewiſe for immunity and ſecurity in offending for the time to come; which under colour of remedy, hath but confirmed, and encreaſed the Grievance to the Subject. The uſual courſe of pricking Sheriffs, not obſerved, but many times Sheriffs made in an extraordinary way; ſome times as a puniſhment and charge unto them; ſometimes ſuch were pricked out, as would be Inſtruments to execute whatſoever they would have to be done.

The Biſhops and the reſt of the Clergy, did triumph in the ſuſpenſions, Excommunications, Deprivations, and Degradations of divers Painful, Learned and Pious Miniſters, in the vexation and grievous oppreſſion of great numbers of his Majeſties good Subjects. The High Commiſſion grew to ſuch exceſs of ſharpneſs and ſeverity, as was not much leſs then the *Romiſh* Inquiſition; and yet in many Caſes by the Archbiſhops power, was made much more heavy, being aſſiſted, and ſtrengthned by Authority of the Council-Table.

The Biſhops and their Courts, were as eager in the Country, and although their Juriſdiction could not reach ſo high in rigour, and extremity of puniſhment, yet were they no leſs grievous, in reſpect of the generality, and multiplicity of vexations, which lightning upon the meaner ſort of Trades-men, and Artificers, did impoveriſh many thouſands, and ſo afflict and trouble others, that great numbers, to avoid their miſeries, departed out of the Kingdom, ſome into *New England*, and other parts of *America*, others into *Holland* where they have tranſported their Manufactures of Cloth, which is not only a loſs by diminiſhing the preſent ſtock of the Kingdom, but a great miſchief by impairing and endangering the loſs of that peculiar Trade of Cloathing, which hath been a plentiful Fountain of Wealth and Honour to this Nation. Thoſe were fitteſt for Eccleſiaſtical preferment, and ſooneſt obtained it who were moſt officious in promoting ſuperſtition, moſt virulent in railing againſt Godlineſs, and Honeſty.

The moſt Publick and Solemn Sermons before his Majeſty were, either to advance Prerogative above Law, and decry the Property of the Subject, or full of ſuch kind of Invectives; whereby they might make thoſe odious who ſought to maintain the Religion, Laws and Liberties of the Kingdom; and ſuch Men were ſure to be weeded out of the Commiſſion of the Peace, and out of all other Imployments of Power in the Government of the Country. Many noble Perſonages were Counſellors in Name; but the Power and Authority remained in a few of ſuch, as were moſt addicted to this Party; whoſe Reſolutions, and Determinations were brought to the Table, for Countenance and Execution and not for Debate and Deliberation; and no Man could offer to oppoſe them, without Diſgrace and Hazard to himſelf: Nay, all thoſe that did not wholly Concur, and Actively Contribute to the furtherance of their Deſigns, though otherwiſe Perſons of never ſo great Honor and Abilities, were ſo far from being Imployed in any Place of Truſt and Power, that they were Neglected, Diſcountenanced, and upon all Occaſions, Injured and Oppreſſed. This Faction was grown to that Hight and Intireneſs of Power, that now they began to think of Finiſhing their Work, which conſiſted of theſe three Parts.

1. *The Government muſt be ſet free from all reſtraint of Laws, concerning our Perſons and States.*

2. *There muſt be a Conjunction betwixt Papiſts and Proteſtants in Doctrine; Diſcipline and Ceremonies: only it muſt not yet be called Popery.*

3. *The Puritans under which Name, they include all thoſe that deſire to preſerve the Laws and Liberties of the Kingdom, and to maintain Religion in the Power of it; muſt be either rooted out of the Kingdom with force, or driven out with fear. For the effecting of this, it was thought neceſſary to reduce* Scotland *to ſuch Popiſh Superſtitions and Innovations, as might make them apt to joyn with* England, *in that great Change which was intended. Whereupon new Canons, and a new Liturgy were preſt upon them; and when they refuſed to admit of them, an Army was raiſed to force them to it, towards which the Clergy and the Papiſts were very forward in their Contribution. The* Scots *likewiſe raiſed an Army for their Defence; And when both Armies were come together, and ready for a bloody Encounter, His Majeſties own gracious Diſpoſition, and the Councel of the* Engliſh *Nobility, and dutiful Submiſſion of the* Scots, *did ſo far prevail againſt the Evil Counſel of others, that a Pacification was made, and His Majeſty returned with Peace, and much Honor to* London.

The unexpected reconciliation was moſt acceptable to all the Kingdom, except to the Malignant Party, whereof the Archbiſhop and the Earl of *Strafford* being Heads, they and their Faction begun to inveigh againſt the Peace, and to aggravate the Proceeding of the States, which ſo incenſed his Majeſty that he forthwith prepared again for War. And ſuch was their Confidence, that having corrupted and diſtempered the whole Frame and Government of the Kingdom, they did now hope to corrupt that which was the only Means to reſtore all to a right frame and temper again: to which end they perſwaded His Majeſty to call a Parliament, not to ſeek Counſel and Advice of them, but to draw Countenance and Supply from them, and engage the whole Kingdom in their Quarrel: and in the mean time, continued all their unjuſt Levies of Money, reſolving either to make the Parliament pliant to their Will, and to eſtabliſh Miſchief by a Law, or elſe to break it; and with more Color to go on by Violence, to take what they could not obtain by Conſent. The Ground alledged for the Juſtification of this War was this.

That the undutiful Demand of the Parliament of *Scotland*, was a ſufficient Reaſon for His Majeſty to take Arms againſt them without hearing the Reaſon of thoſe Demands; And thereupon a new Army was prepared againſt them, their Ships were ſeized in all Ports, both of *England* and *Ireland*, and at Sea, their Petitions rejected, their Commiſſioners refuſed Audience. This whole Kingdom moſt miſerably diſtempered with Levies of Men and Money, and Impriſonments of thoſe, who denied to ſubmit to thoſe Levies. The Earl of *Strafford* paſt into *Ireland*, cauſed the Parliament there to declare againſt the *Scots*, to give four Subſidies towards that War; and to ingage themſelves, their Lives and Fortunes for the Proſecution of it, and gave Directions for an Army of eight thouſand Foot, and one thouſand Horſe to be levied there, which were for the moſt part Papiſts. The Parliament met upon the thirteenth of *April*, one Thouſand ſix Hundred and Forty. The Earl of *Strafford*, and Archbiſhop of *Canterbury*, with their Party ſo prevailed with His Majeſty, that the Houſe of Commons was preſt to yield to a Supply for maintenance of the War with *Scotland*, before they had provided any Relief for the great and preſſing Grievances of the People, which being againſt the Fundamental Privilege and Proceeding of Parliament, was yet in humble Reſpect to his Majeſty, ſo far admitted, as that they agreed to take the Matter of Supply into Conſideration, and two ſeveral Days it was debated. Twelve Subſidies were demanded for the releaſe of Ship-Money alone; A third Day was appointed for Concluſion, when the Heads of that Party begun to fear the People might cloſe with the King in ſatisfying his deſire of Money: But that withal they were like to blaſt their malicious Deſigns againſt *Scotland*, finding them very much indiſpoſed to give any Countenance to that War.

Thereupon they wickedly adviſed the King to break off the Parliament, and to return to the Ways of Confuſion, in which their own evil Intentions were moſt like to proſper and ſucceed.

After

Decemb. 1641.

After the Parliament ended the Fifth of *May*, one thouſand ſix hundred and forty, this Party grew ſo bold, as to counſel the King to Supply Himſelf out of His Subjects States by his own Power, at his own Will, without their conſent. The very next day, ſome Members of both Houſes had their Studies and Cabinets, yea, their Pockets ſearched: Another of them not long after was committed cloſe Priſoner, for not delivering ſome Petitions which he received by Authority of that Houſe, and if harſher Courſes were intended (as was reported) it is very probable that the ſickneſs of the Earl of *Strafford* and the Tumultuous riſing in *Southwark*, and about *Lambeth*, were the Cauſes that ſuch violent Intentions were not brought to Execution. A falſe and ſcandalous Declaration againſt the Houſe of Commons, was publiſhed in His Majeſties Name, which yet wrought little Effect with the People, but only to manifeſt the Impudence of thoſe who were Authors of it.

A forced Loan of Money was attempted in the City of *London*.

The Lord Mayor and Aldermen in their ſeveral Wards injoyned to bring in a Liſt of the Names of ſuch Perſons, as they judged fit to lend, and of the Sum they ſhould lend. And ſuch Aldermen, as refuſed ſo to do, were committed to Priſon.

The Archbiſhop and the other Biſhops and Clergy continued the Convocation, and by a new Commiſſion turned it to a *Provincial* Synod, in which by an unheard-of preſumption, they made Canons that contain in them many Matters contrary to the King's Prerogative, to the Fundamental Laws and Statutes of the Realm, to the Right of Parliaments, to the Property and Liberty of the Subject, and Matters tending to Sedition, and of dangerous Conſequence, thereby eſtabliſhing their own Uſurpations, juſtifying their Alter-Worſhip, and thoſe other Superſtitious Innovations, which they formerly introduced without Warrant of Law.

They Impoſed a new Oath upon divers of his Majeſties Subjects, both Eccleſiaſtical and Lay, for maintenance of their own Tyranny; and laid a great Tax upon the Clergy, for Supply of his Majeſty; and generally they ſhewed themſelves very Affectionate to the War with *Scotland*, which was by ſome of them ſtyled *Bellum Epiſcopale*; and a Prayer Compoſed, and Injoyned to be read in all Churches, calling the *Scots Rebels*, to put the two Nations into Blood, and make them irreconcileable. All thoſe pretended Canons and Conſtitutions were armed with the ſeveral Cenſures of Suſpenſion, Excommunication, Deprivation, by which they would have thruſt out all the good Miniſters and moſt of the Well-Affected People of the Kingdom, and left an eaſie Paſſage to their own Deſign of Reconciliation with *Rome*. The Popiſh Party injoyned ſuch Exemptions from the Penal Laws, as amounted to a Toleration, beſides many other Encouragements, and Court Favours; They had a Secretary of State, Sir *Francis Windibank* a powerful Agent for the ſpeeding of all their deſires, a Popes Nuntio reſiding here to Act and Govern them according to ſuch Influences as he received from *Rome*, and to intercede for them with the moſt powerful Concurrence of the Forreign Princes of that Religion: By his Authority the Papiſts of all ſorts, Nobility, Gentry and Clergy were convocated, after the manner of a Parliament, new Juriſdictions were erected of *Romiſh* Archbiſhops, Taxes levied, another State moulded within this State independant in Government, contrary in Intereſt and Affection, ſecretly corrupting the ignorant or negligent Profeſſors of our Religion, and cloſely uniting and combining themſelves againſt ſuch as were Sound, in this Poſture waiting for an Opportunity by force to deſtroy thoſe, whom they could not hope to ſeduce. For the effecting whereof, they were ſtrengthened with Arms and Munition, encouraged by ſuperſtitious Prayers, enjoyned by the *Nuncio* to be weekly made for the proſperity of ſome great Deſign. And ſuch Power had they at Court, that ſecretly a Commiſſion was iſſued out, intended to be iſſued to ſome great Men of that Profeſſion for the levying of Soldiers, and to Command and Imploy them according to private Inſtructions, which we doubt were framed for the advantage of thoſe who were the Contrivers of them: His Majeſties Treaſure was conſumed, his Revenue anticipated, His Servants and Officers compelled to lend great Sums of Money; Multitudes were called to the Councel Table, who were retired with long attendances there, for refuſing illegal Payments.

The Priſons were filled with their Commitments; many of the Sheriffs ſummoned into the *Star-Chamber*; and ſome impriſoned for not being quick enough in levying the Ship-Money, the People languiſhed under Grief and Fear, no viſible hope being left, but in deſperation. The Nobility began to be weary of their Silence and Patience, and ſenſible of the duty, and truſt which belongs to them: and thereupon ſome of the moſt eminent of them did Petition his Majeſty at ſuch a time when evil Councels were ſo ſtrong, that they had reaſon to expect more hazard to themſelves, then redreſs of thoſe publick Evils for which they interceded: whileſt the Kingdom was in this agitation and diſtemper, the *Scots* reſtrained in their Trades, Impoveriſhed by the loſs of many of their Ships, bereaved of all poſſibility of ſatisfying his Majeſty, by any naked Supplication, entred with a powerful Army into the Kingdom, and without any Hoſtile Act or Spoil in the Country as they paſſed, more than forcing a Paſſage over the *Tyne* at *Newborne*, near *New-Caſtle*, poſſeſſed themſelves of *New-Caſtle*, and had a fair opportunity to preſs on further upon the King's Army: but Duty and Reverence to his Majeſty, and brotherly love to the *Engliſh* Nation, made them ſtay there, whereby the King had leiſure to entertain better Counſels; wherein God ſo bleſſed and directed him, that he ſummoned the great Council of Peers to meet at *York*, upon the twenty fourth of *September*, and there declared a Parliament to begin the Third of *November* then following. The *Scots* the firſt day of the great Council, preſented an humble Petition to His Majeſty, whereupon the Treaty was appointed at *Rippon*. A preſent Ceſſation of Arms agreed upon: and the full Concluſion of all Differences referred to the Wiſdom and Care of the Parliament. At our firſt Meeting, all Oppoſitions ſeemed to vaniſh, the Miſchiefs were ſo evident, which thoſe Evil Counſellors produced that no Man durſt ſtand up to defend them. Yet the Work it ſelf afforded difficulty enough. The multiplied Evils and Corruption of ſixteen years ſtrengthened by Cuſtom and Authority, and the concurrent Intereſt of many powerful Delinquents were now to be brought to Judgment and Reformation. The King's Houſhold was to be provided for, they had brought him to that Want, that he could not ſupply his ordinary and neceſſary Expences, without the Aſſiſtance of his People. Two Armies were to be payed, which amounted very near to eighty thouſand Pounds a Month; the People were to be tenderly charged, having bin formerly exhauſted with many burthenſome Projects.

The difficulties ſeemed to be inſuperable, which by the Divine Providence we have overcome. The Contrarieties incompatible, which yet in a great meaſure we have reconciled. Six Subſidies have been granted, and a Bill of Poll-Money, which if it be duly levyed may equal ſix Subſidies more, in all ſix hundred thouſand pounds. Beſides we have contracted a Debt to the *Scots* of 220 thouſand pounds; and yet God hath ſo bleſſed the endeavours of this Parliament, that the Kingdom is a great gainer by all theſe charges. The Ship-Money is aboliſhed which coſt the Kingdom above two hundred thouſand pounds a year. The Coat and Conduct Money, and other Military charges, are taken away, which in many Countries amounted to little leſs then the Ship-Money. The Monopolies are all ſuppreſt, whereof ſome few did prejudice the Subject, above a Million yearly. The Soap an hundred thouſand pounds; the Wine three hundred thouſand pounds; the Leather muſt needs exceed both: and Salt could be no leſs then that; beſides the inferior Monopolies, which if they could be exactly computed, would make up a great Sum. That which is more beneficial then all this is, that the root of theſe evils is taken away which was the Arbitrary Power pretended to be in his Majeſty, of Taxing the Subject, or charging their Eſtates without conſent in Parliament, which is now declared to be againſt Law, by the judgment of both Houſes, and likewiſe by an Act of Parliament. Another ſtep of great advantage is this: the living Grievances, the evil Counſellors and Actors of theſe Miſchiefs have been ſo quelled, by the Juſtice done upon the Earl of *Strafford*, the flight of the Lord *Finch*, and Secretary *Windibank*, The Accuſation and Impriſonment of the Archbiſhop of *Canterbury*, of Judge *Bartlet*, and the Impeachment of divers other Biſhops and Judges, that it is like not only to be an eaſe to the preſent times but a preſervation to the future. The diſcontinuance of Parliaments is prevented by the Bill for a Triennial Parliament, and the abrupt diſſolution of this Parliament

by

December, 1641.

by another Bill: by which it is provided, it ſhall not be diſſolved or adjourned without the conſent of both Houſes.

Which two Laws well conſidered, may be thought more advantageous then all the former, becauſe they ſecure a full Operation of the preſent Remedy, and afford a perpetual Spring of Remedies for the future: The Star-Chamber, the High Commiſſion, the Courts of the Preſident, and Council in the North, where ſo many Forges of miſery, oppreſſion, and violence, and are all taken away, whereby men are more ſecured in their Perſons, Liberties, and Eſtates, then they could be by any Law or Example for the regulation of thoſe Courts, or terrour of the Judges; the immoderate Power of the Council-Table and the exceſſive abuſe of that Power is ſo ordered and reſtrained, that we may well hope that no ſuch things as were frequently done by them, to the prejudice of the publick Liberty, will appear in future times but only in ſtories, to give us and our Poſterity more occaſion to praiſe God for his Majeſties goodneſs, and the faithful endeavours of this Parliament. The Canons and the power of Canon making, are blaſted by the Vote of both Houſes. The exorbitant power of Biſhops and their Courts, are much abated, by ſome Proviſions in the Bill againſt the High Commiſſion Court. The Authors of the many Innovations in Doctrine and Ceremonies; the Miniſters that have been ſcandalous in their lives, have been ſo terrified in juſt Complaints and Accuſations, that we may well hope they will be more modeſt for the time to come; either inwardly convicted by the ſight of their own folly, or outwardly reſtrained by the fear of puniſhment. The Forreſts are by a good Law reduced to their right bounds; the encroachments and oppreſſions of the Stannery Courts; the extorſions of the Clerk of the Market, and the compulſion of the Subject to receive the Order of Knighthood againſt his will, paying of Fines for not receiving it, and the vexatious proceedings thereupon for Levying of thoſe Fines, are by other beneficial Laws reformed and prevented. Many excellent Laws and Proviſions are in preparation for removing the inordinate power, vexation, and uſurpation of Biſhops, for reforming the Pride and Idleneſs of many of the Clergy, for eaſing the People of unneceſſary Ceremonies in Religion, for cenſuring and removing unworthy and unprofitable Miniſters; and for maintaining Godly and diligent Preachers through the Kingdom: Other things of main importance for the good of this Kingdom are in propoſition, though little could hitherto be done, in regard of the many other more preſſing buſineſſes, which yet before the end of this Seſſion, we hope may receive ſome progreſs and perfection. The Eſtabliſhing and ordering the Kings Revenue, that ſo the abuſe of Officers, and ſuperfluity of expences may be cut off, and the neceſſary diſburſments for his Majeſties Honour, the Defence and Government of the Kingdom, may be more certainly provided for. The regulating of Courts of Juſtice, and abridging both the delays and charges of Law Suits; the ſetling of ſome good courſes for preventing the exportation of Gold and Silver, and the inequality of exchanges betwixt us and other Nations, for the advancing of Native Commodities, increaſe of our Manufactures, and well ballancing of Trade, whereby the Stock of the Kingdom may be increaſed, or at leaſt kept from impairing; as through neglect hereof it hath done for many years laſt paſt; For improving the Herring fiſhing, upon our own Coaſts, which will be of mighty uſe in the imployment of the Poor, and a plentiful Nurſery of Marriners for enabling the Kingdom in any great Action. The oppoſitions, obſtructions, and other Difficulties wherewith we have been encountred, and which ſtill lye in our way with ſome ſtrength and much obſtinacy are theſe: the malignant Party whom we have formerly deſcribed, to be the Actors and Promoters of all our Miſery, they have taken heart again; they have been able to prefer ſome of their own Factors and Agents to degrees of Honour, to places of Truſt and Employment even during the Parliament. They have endeavoured to work in his Majeſty ill Impreſſions and Opinions of our Proceedings, as if we had altogether done our own work, and not his, and had obtained from him many things very prejudicial to the Crown, both in reſpect of Prerogative and Profit. To wipe out this ſlander, we think good only to ſay thus much: That all that we have done, is for his Majeſty, his Greatneſs, Honour, and Support, when we yielded to give twenty five thouſand pounds a Month for the relief of the Northern Countries, this was given to the King, for he was bound to protect his Subjects, they were his Majeſties evil Counſellors, and their ill inſtruments that were Actors in thoſe Grievances which brought in the *Scots*: and if his Majeſty pleaſe to force thoſe who were the Authors of this War to make ſatiſfaction, as he might juſtly and eaſily do, it ſeems very reaſonable that the people might well be excuſed from taking upon them this burthen, being altogether innocent and free from being any cauſes of it.

When we undertook the Charge of the Army, which coſt above 50000 *l.* a Month, was not this given to the King? was it not his Majeſty's Army? were not all the Commanders under Contract with his Majeſty at higher rates and greater wages then ordinary? and have we not taken upon us to diſcharge all the Brotherly aſſiſtance of three hundred thouſand pounds which we gave the *Scots*? was it not toward repair of thoſe damages and loſſes which they received from the Kings Ships, and from his Miniſters? Theſe three particulars amount to above 1100 thouſand pounds, beſides his Majeſty hath received by impoſitions upon Merchandiſe at leaſt 400 thouſand pounds; ſo that his Majeſty hath had out of the Subjects Purſe ſince the Parliament began, one Million and an half, and yet theſe Men can be ſo impudent, as to tell his Majeſty, that we have done nothing for him. As to the Second Branch of this ſlander, we acknowledge with much thankfulneſs that his Majeſty hath paſſed more good Bills to the advantage of the Subjects then have been in many ages; but withal we cannot forget, that theſe venemous Councils did manifeſt themſelves in ſome endeavours to hinder theſe good Acts; and for both Houſes of Parliament we may with truth and modeſty ſay thus much, That we have ever been careful not to deſire any thing that ſhould weaken the Crown either in juſt profit or uſeful power. The Triennial Parliament, for the matter of it, doth not extend to ſo much as by Law we ought to have required, there being two Statutes ſtill in force for a Parliament to be once a year; and for the manner of it, it is in the Kings Power, that it ſhall never take effect, if he by a timely Summons ſhall prevent any other way of aſſembling. In the Bill for continuance of this preſent Parliament, there ſeems to be ſome reſtraint of the Royal Power in diſſolving of Parliaments, not to take it out of the Crown, but to ſuſpend the execution of it for this time and occaſion only, which was ſo neceſſary for the Kings own ſecurity, and the publick Peace, that without it we could not have undertaken any of theſe great charges, but muſt have left both the Armies to diſorder and confuſion, and the whole Kingdom to Blood and Rapine. The Star-Chamber was much more fruitful in Oppreſſion then in profit, the great Fines being for the moſt part given away, and the reſt ſtalled at long times. The Fines of the High Commiſſion were in themſelves unjuſt and ſeldome or never came into the Kings Purſe. Theſe four Bills are particularly and more ſpecially inſtanced, in the reſt there will not be found ſo much as a ſhadow of prejudice to the Crown. They have ſought to diminiſh our reputation with the people, and to bring them out of love with Parliaments; the aſperſions which they have attempted this way, have been ſuch as theſe, that we have ſpent much time and done little, eſpecially in thoſe Grievances which concern Religion. That the Parliament is a burthen to the Kingdom by the abundance of Protections which hinder Juſtice and Trade, and by many Subſidies granted, much more heavy then any they formerly endured; to which there is a ready Anſwer: if the time ſpent in this Parliament be conſidered in relation backward to the long growth and deep root of thoſe Grievances, which we have removed, to the powerful ſupports of thoſe Delinquents, which we have perſued, to the great neceſſities and other charges of the Commonwealth for which we have provided: or if it be conſidered in relation forward to many advantages, which not only the preſent, but future Ages are like to reap by the good Laws and other Proceedings in this Parliament, we doubt not but it will be thought by all indifferent judgments, that our time hath been much better imployed then in a far greater proportion of time in many former Parliaments put together; and the charges which have been laid upon the Subject, and the other inconveniencies which they have born, will ſeem very light in reſpect of the benefit they have had and may receive. And for the matter of Protections, the Parliament is ſo ſenſible of it that therein they intend to give them whatſoever eaſe

Decemb. 1641.

may ſtand with Honour and Juſtice; and are in a way of paſſing a Bill to give them ſatisfaction. They have ſought by many ſubtile practices, to cauſe Jealouſies and diviſions betwixt us and our Brethren of *Scotland*, by ſlandering their proceedings and intentions towards us, and by ſecret endeavours to inſtigate and incenſe them and us one againſt another. They have had ſuch a Party of Biſhops and Popiſh Lords in the Houſe of Peers as hath cauſed much oppoſition and delay in the Proſecution of Delinquents, and hindred the Proceedings of divers good Bills paſſed in the Commons Houſe, concerning the reformation of ſundry great abuſes and corruptions both in Church and State. They have laboured to ſeduce and corrupt ſome of the Commons Houſe, to draw them into Conſpiracies and Combinations againſt the Liberty of the Parliament: And by their inſtruments and Agents they have attempted to diſaffect and diſcontent his Majeſties Army, and to engage it for the maintenance of their wicked and Traiterous Deſigns, the keeping up of Biſhops in Votes and Functions, and by force to compel the Parliament to order, limit, and diſpoſe their proceedings in ſuch manner as might beſt concur with the intentions of this dangerous and potent Faction: And when one miſchievous Deſign, and Attempt of theirs to bring on the Army againſt the Parliament, and the City of *London* had been diſcovered and prevented, they preſently undertook another of the ſame damnable Nature, with this Addition to it, to endeavour to make the *Scottiſh* Army neutral, whil'ſt the *Engliſh* Army which they had laboured to corrupt and invenome againſt us by their falſe and ſlanderous ſuggeſtions, ſhould execute their Malice to the ſubverſion of our Religion, and the diſſolution of our Government. Thus they have been continually practiſing to diſturb the Peace, and Plotting the Deſtruction even of all the Kings Dominions, and have employed their Emiſſaries and Agents in them, all for the promoting of their Deviliſh Deſigns, which the vigilancy of thoſe who were well affected hath ſtill diſcovered and defeated before they were ripe for Execution in *England* and *Scotland*; only in *Ireland* which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection that they had poſſeſſed themſelves of that whole Kingdom, totally ſubverted the Government of it, rooted out Religion, and deſtroyed all the Proteſtants whom the conſcience of their duty to God, their King and Country would not have permitted to joyn with them, if by Gods wonderful providence their main enterprize upon the City and Caſtle of *Dublin*, had not been detected and prevented upon the very Eve before it ſhould have been executed. Notwithſtanding they have in other parts of that Kingdom broken out into open Rebellion, ſurprized Towns and Caſtles, Committed Murders, Rapes, and other Villanies; and ſhaken off all bonds of obedience to his Majeſty, and the Laws of the Realm; and in general have kindled ſuch a fire, as nothing but God's Infinite Bleſſing upon the wiſdom and endeavours of this State will be able to quench it: and certainly had not God in his great Mercy unto this Land diſcovered and confounded their former Deſigns, we had been the Prologue to this Tragedy in *Ireland*, and had by this time been made the lamentable ſpectacle of Miſery and Confuſion. And now what hope have we but in God, when as the only means of our ſubſiſtence, and Power of Reformation is under him, in the Parliament? but what can we the Commons without the conjunction of the Houſe of Lords; and what conjunction can we expect there, where the Biſhops and Recuſant Lords, are ſo numerous and prevalent, that they are able to Croſs and Interrupt our beſt endeavours for Reformation, and by that means give advantage to this malignant party to traduce our Proceedings? They infuſe into the People, that we mean to aboliſh all Church-Government, and leave every Man to his own Fancy for the Service and Worſhip of God, abſolving him of that obedience, which he ows under God unto his Majeſty, whom we know to be intruſted with the Eccleſiaſtical Law, as well as with the Temporal, to regulate all the Members of the Church of *England*, by ſuch Rules of Order and Diſcipline as are eſtabliſhed by Parliament which is his great Council, in all Affairs both in Church and State. We confeſs our Intention is, and our Endeavors have been to reduce within Bounds that exorbitant Power which the Prelates have aſſumed unto themſelves ſo contrary both to the Word of God, and to the Laws of the Land, to which end we paſt the Bill for the removing them from their Temporal Power and Imployments, that ſo the better they might with Meekneſs apply themſelves to the diſcharge of their Functions, which Bill themſelves oppoſed, and were the principal Inſtruments of croſſing it.

And we do here declare, that it is far from our purpoſe or deſire to let looſe the golden Reins of Diſcipline and Government in the Church, to leave private Perſons or particular Congregations to take up what form of divine Service they pleaſe; for we hold it requiſite that there ſhould be throughout the whole Realm a Conformity to that Order which the Laws enjoyn, according to the Word of God: and we deſire to unburthen the Conſciences of Men of needleſs and ſuperſtitious Ceremonies, ſuppreſs Innovations, and take away the Monuments of Idolatry. And the better to effect the intended Reformation: we deſire there may be a general Synod of the moſt Grave, Pious, Learned and Judicious Divines of this Iſland, aſſiſted with ſome from foreign Parts Profeſſing the ſame Religion with us, who may conſider of all things neceſſary for the Peace and good Government of the Church, and repreſent the reſults of their Conſultations unto the Parliament to be there allowed of and confirmed, and receive the Stamp of Authority, thereby to find Paſſage and Obedience throughout the Kingdom. They have maliciouſly charged us that we intend to deſtroy and diſcourage Learning, whereas it is our chiefeſt Care and Deſire to advance it, and to provide a competent Maintenance for conſcionable and preaching Miniſters throughout the Kingdom, which will be a great Encouragement to Scholars, and a certain means whereby the want, meanneſs and ignorance to which a great part of the Clergy is now ſubject, will be prevented. And we intend likewiſe to reform, and purge the Fountains of Learning the two Univerſities, that the Streams flowing from thence may be clear and pure, and an Honor and Comfort to the whole Land. They have ſtrained to blaſt our proceedings in Parliament, by wreſting the Interpretations of our Orders from their genuine Intention. They tell the People that our medling with the power of Epiſcopacy, hath cauſed Sectaries and Conventicles, when Idolatry and Popiſh Ceremonies introduced into the Church by the command of the Biſhops, have not only debarred the people from thence, but expelled them from the Kingdom. Thus with *Eliah* we are called by this Malignant party the Troublers of the State, and ſtill while we endeavor to reform their Abuſes, they make us the Authors of thoſe Miſchiefs we ſtudy to prevent: for the perfecting of the work begun and removing all future Impediments, we conceive theſe Courſes will be very effectual, ſeeing the Religion of the Papiſts hath ſuch Principles as do certainly tend to the Deſtruction and Extirpation of all Proteſtants when they ſhall have opportunity to effect it.

It is neceſſary in the firſt Place to keep them in ſuch Condition, as that they may not be able to do us any hurt, and for avoiding of ſuch connivence and favor as hath heretofore bin ſhewed unto them. That his Majeſty be pleaſed to grant a ſtanding Commiſſion to ſome choice Men named in Parliament, who may take notice of their increaſe, their Counſels and Proceedings, and uſe all due means by execution of the Laws to prevent any miſchievous deſigns againſt the Peace and Safety of this Kingdom. That ſome good Courſe be taken to diſcover the counterfeit and falſe Conformity of Papiſts to the Church, by color whereof Perſons very much diſaffected to the true Religion have been admitted into Place of greateſt Authority and Truſt in the Kingdom.

For the better preſervation of the Laws and Liberties of the Kingdom, that all illegal Grievances and Exactions be preſented and puniſhed at the Seſſions, and Aſſizes: and that Judges and Juſtices be careful to give this in charge to the Grand-Jury, and both the Sheriff and Juſtices to be ſworn to the due execution of the Petition of Right and other Laws: That his Majeſty be humbly petitioned by both Houſes to imploy ſuch Counſellors, Ambaſſadors, and other Miniſters in managing his Buſineſs at Home and Abroad, as the Parliament may have Cauſe to confide in, without which we cannot give his Majeſty ſuch Supplyes for ſupport of his own Eſtate, nor ſuch Aſſiſtance to the Proteſtant party beyond the Sea as is deſired. It may often fall out that the Commons may have juſt Cauſe to take Exceptions at ſome Men for being Counſellors, and yet not charge thoſe Men with Crimes, for there be grounds of Diffidence which lye not

Decemb. 1641.

in Proof; there are others which though they may be proved, yet are not legally Criminal; to be a known favorer of Papiſts, or to have been very forward in defending or countenancing ſome great Offenders queſtioned in Parliament, or to ſpeak contemptuouſly of either Houſes of Parliament, or Parliamentary Proceedings, or ſuch as are Factors or Agents for any Foreign Prince of another Religion, ſuch as are juſtly ſuſpected to get Counſellors Places, or any other of Truſt, concerning publick Imployment for Money: For all theſe and diverſe others, we may have great reaſon to be earneſt with his Majeſty, not to put his great Affairs into ſuch Hands, though we may be unwilling to proceed againſt them in any Legal way of Charge or Impeachment: that all Counſellors of State, may be ſworn to obſerve the Laws which concern the Subject in his Liberty; that they may likewiſe take an Oath not to receive, or give Reward or Penſion from any Foreign Prince, but ſuch as they within ſome reaſonable Time, diſcover to the Lords of his Majeſties Council. And although they ſhould wickedly forſwear themſelves, yet it may herein do good, to make them known to be Falſe and Perjured to thoſe who imploy them, and thereby bring them into as little Credit with them as with us; that his Majeſty may have cauſe to be in love with good Council and good Men, by ſhewing him in an humble and dutiful Manner, how full of Advantage it would be to himſelf to ſee his own Eſtate ſetled in a plentiful Condition to ſupport his Honor; to ſee his People united in Wayes of Duty to him, and indeavours for the Publick Good; to ſee Happineſs, Wealth, Peace and Safety derived to his own Kingdom, and procured to his Allies by the Influence of his own Power and Government. That all good Courſes may be taken to unite the two Kingdoms of *England* and *Scotland*, to be mutually Aiding and Aſſiſting one another, for the common Good of the Iſland, and the Honor of both; to take away all Differences among our Selves, for Matters indifferent in their own Nature concerning Religion, and to unite our ſelves againſt the Common Enemies, which are the better enabled by our Diviſions to deſtroy us, as they hope, and have often indeavoured to labor, by all Offices of Friendſhip to unite the Foreign Churches with us, in the ſame Cauſe, and to ſeek their Liberty, Safety and Proſperity, as bound thereunto, both by Charity to them, and by Wiſdom for our own Good. For by this means, our Strength ſhall be increaſed, and by a mutual concurrence to the ſame common end, we ſhall be enabled to procure the good of the whole Body of the Proteſtant Profeſſion. If theſe things may be obſerved, we doubt not, but God will Crown this Parliament, with ſuch Succeſs, as ſhall be the Beginning and Foundation of more Honour and Happineſs to his Majeſty, then ever yet was enjoyed by any of his Royal Predeceſſors.

Thurſday, December 2.

A *Habeas Corpus* was this day alſo Ordered to be ſent down to remove one *William Chorley* from *Lancaſter Goal*, to be Examined of Matters of great Conſequence.

His Majeſty came this day to the Houſe of Lords to paſs the Bill for Tonnage and Poundage; and being ſate in the Chair of State, the King gave Command to the Gentleman-Uſher to give the Houſe of Commons notice to come up; who being come, after three Obeyſances made, their Speaker made this Speech, as followeth.

Moſt Dread Sovereign,

The Speakers Speech at the Paſſing the Bill for Tonnage and Poundage, Dec. 2. 1641.

THe Obſervation taken from the unlike Compoſitions, and various Motions of the World, made the Philoſophers conclude, Tota hujus Mundi Concordia, ex Diſcordibus conſtat. *The happy Conjuncture of both theſe Nations in the Triumph and Joy of your Sacred preſence, extracted from the different and divided Opinions, give us cauſe to obſerve and admire theſe bleſſed Effects from ſuch contrary Cauſes; We may without Flattery commend your Sacred Majeſty, as the glorious Inſtrument*

Decemb. 1641.

ſtrument of this happy Change, whoſe Piety and Prudence, directed by the hand of God, hath contracted this Union, from thoſe various diſcords.

* The ſtory of theſe times will ſeem Paradoxes in following Generations, when they ſhall hear of Peace ſprung from the Root of Diſſention; of Union planted upon the ſtock of Diviſions; two Armies in the Field, both ready to ſtrike the firſt blow, and both united without a ſtroke: Nothing can reduce theſe Truths into a belief; but the knowledge of your Piety and Juſtice, who have accompliſhed theſe Acts of Wonder, by Goodneſs and Gentleneſs, without Force or Violence.

This way of Conqueſt, this Bellum Incruentum, hath been the Rule of the moſt Valiant and Puiſſant Monarchs, advancing Your Glory, in the ſafeguard of one Subject more then in the Death of a Thouſand Enemies. Thus have you Erected a Monument of Glory to your Sacred Memory for all Generations.

And as your Care and Piety for the welfare of your Northern Kingdom called you to that Work, for the great Comfort of your People, which your wiſdom hath ſo happily conſummated; ſo now the Diſtemper of your other Kingdom, fomented by the ſame Spirit, whoſe preſence admits no Peace in Iſrael, calls on your Providence to heal the Diſeaſes of that Nation.

The one from whence you returned hath with Abel, though the younger Brother, offered an acceptable Sacrifice; the other with Cain hath Erected Altars of Blood and Revenge, the Innovations of Jeſuitical Prieſthood, which Invokes the neceſſity of your Juſtice: the one to a Natural, hath added a Politic Brotherhood; the other of Brothers, I am ſorry to ſay it, are become Strangers: The Fidelity of the one hath written a ſtory of Admiration to the World; the Diſloyalty of the other, hath Parallel'd that horrid Deſign, matchleſs before amongſt all Generations; firſt their Intentions, the deſtruction of a Kingdom, even when Unity and Peace was tying the knot of Religion and Safety: In the Diſcovery, a moment of time prevented the Execution; In the Actors, Jeſuits and Prieſts, without whom, the malice of the Devil could not have found a Party in the World, fitted to act over the like bloody Tragedy.

But this, among our many Joys, we receive by your happy return, is not the leaſt, That that Providence which protected that Gracious King your moſt Religious Father from their bloody attempts, and encreaſed the bleſſing of a long and happy Reign, hath alſo defended your Sacred Throne from all their Machinations.

Thus we ſee, Religion is the greateſt Policy, the never-failing ſupport of King and Kingdom; that which firms you and your Poſterity to your Throne, and our Duty and Obedience to it.

Give me leave here, moſt Gracious Sovereign, to ſum up the ſenſe of 11 Months Obſervation; without intermiſſion, ſcarce of a day, nay an hour in that day, to the hazard of Life and Fortune, and to reduce all into this Concluſion, The endeavours of Your Commons Aſſembled, guided by Your Pious and Religious Example, is to preſerve Religion in its Purity, without Mixture or Compoſition, againſt theſe ſubtile Invaders; and with our Lives and Fortunes to Eſtabliſh theſe Thrones to your Sacred Perſon, and thoſe Beams of Majeſty, Your Royal Progeny, againſt all Treaſon and Rebellion.

The Way that conduces to this End, are the Defence of the Land and Sea; for the one we have already Voted to raiſe Mony; for the other,

* Moſt undoubtedly: Eſpecially that Rebellion ſhould be eſteemed Loyalty, and the Ruin of the Church a Reformation.

this Bill in ſome Meaſure will accompliſh for a little time ; and to that end, I, by the Command of the Commons, humbly beſeech Your Royal Aſſent.

This being done, the Bill was paſſed by His Majeſty, according to the uſual and accuſtomed Form. Then the King made this enſuing Speech.

The King's Speech after his Return from *Scotland* *Dec.* 2. 1641.

My Lords, and Gentlemen,

"I Think it fit, after ſo long abſence, at this firſt occaſion to ſpeak " a few words unto you : But it is no ways in Anſwer to Mr. " Speaker's Learned Speech.

" Albeit I have ſtayed longer than I expected to have done when I " went away, yet in this I have kept my promiſe with you, that I have " made all the haſte back again, that the ſetling of My *Scotch* Affairs " could any ways permit. In which I have had ſo good ſucceſs, that " I will confidently affirm to you, that I have left that Nation a moſt " peaceable and contented People : So that although I have a little " miſreckoned in Time, yet I was not deceived in My End.

" But if I have deceived your expectations a little in the time of My " return, yet I am aſſured that My expectation is as much and more " deceived in the condition wherein I hoped to have found ſome buſineſſes at My return. For ſince that before My going I ſetled the Liberties of My Subjects, and gave the Law a free and orderly Courſe, I " expected to have found My People reaping the Fruits of theſe benefits " by living in quietneſs and ſatisfaction of mind : But inſtead of this, I " find them diſturbed with Jealouſies, Frights and Alarms of dangerous " Deſigns and Plots ; in Conſequence of which, Guards have been ſet " to defend both Houſes. I ſay not this as in doubt that My Subjects " Affections are any way leſſened to Me in this time of My abſence, " for I cannot but remember, to My great comfort, the joyful reception I had now at my Entry into *London* ; but rather, as I hope, that " My preſence will eaſily diſperſe theſe Fears : For I bring as perfect " and true Affections to My People, as ever Prince did, or as good " Subjects can poſſibly deſire. And I am ſo far from repenting Me of " any Act I have done this Seſſion for the good of My People, that " I proteſt if it were to do again, I would do it ; and will yet grant " what elſe can be juſtly deſired, for ſatisfaction in point of Liberties, or in maintenance of the True Religion that is here Eſtabliſhed.

" Now I have but one particular to recommend unto you at this " time, it is *Ireland* ; for which though I doubt not your care, yet methinks the preparations for it go but ſlowly on. The occaſion is the " fitter for Me now to mention it, becauſe of the Arrival of two Lords " from *Scotland*, who come inſtructed from My Council there (who " now by Act of Parliament have full Power for that purpoſe) to Anſwer that Demand, which it pleaſed both Houſes to make of Me by " way of Petition, that met Me at *Berwick* ; and which the Duke of " *Richmond* ſent back by My Command, to my *Scotch* Council. Therefore My deſire is, That both Houſes would appoint a Select Committee to end this buſineſs with theſe Noblemen.

Decemb. 1641.

“I muſt conclude in telling you, That I ſeek My Peoples Happyneſs; *For their Flouriſhing is My greateſt Glory, and their Affections My greateſt Strength.*

The King having Ended his Speech, he departed, and the Commons returned to their Houſe.

Upon the Petition of the Biſhop of *Hereford*, It was Ordered, *That he having paid 60 l. for Poll-money, ſhall be freed from any further Payments for the ſame, and ſhall not pay after the Rate of Tenths, becauſe he is freed from paying of Tenths under the Great Seal of* England, *and that upon good and valuable Conſiderations, divers Mannors having been taken from the Biſhoprick of* Hereford, *in the beginning of the Reign of Queen* Elizabeth.

Biſhop of *Hereford* excuſed from paying ſome part of his Pol-mony.

The Lord Chief Juſtice of the Kings-Bench *Reported, That the Judges have conſidered the Laws and Statutes of this Kingdom, for preventing of Riots, Routs, and unlawful Aſſemblies, and they are of Opinion, That the beſt way is to iſſue forth Writs according to the Statute of* 2 H. 5. cap. 8. Which Statute was preſently read, and it was Ordered, *That the Lord Keeper ſhould forthwith iſſue forth Writs to the Sheriffs and Juſtices of the Peace of the City of* London, *and the Counties of* Middleſex *and* Surrey, *and to the Juſtices of the Peace of the City of* Weſtminſter, *according to the aforeſaid Statute, concerning Riots, Routs, &c. and the Judges to be adviſed withall for the Form of the ſaid Writs.*

Judges Report the Statutes in force againſt Riots, Routs, *&c.*

But the Tumults found too much Countenance among the Faction in the Commons Houſe, where they were indeed promoted and incouraged, as is Evident by the adjournment of the conſideration of them this day in their Houſe, that having been yeſterday ordered to be debated; and ſo they were adjourned *de die in diem*; which plainly maniſeſts the tenderneſs they had for the Rioters, and the Uſe they intended to make of theſe Tumultuous and Unlawful Aſſemblies, which was to Terrifie the Lords to a compliance with their deſires in cutting off a Limb from the Body of their Houſe, by Excluding the Biſhops, as before they had by the ſame Method prevailed in paſſing the Bill to cut off the Wiſe and Noble Head of the Earl of *Strafford*.

The Tumults incouraged by the Faction of the Commons.

Sir *Ralph Hopton* Reported, *That laſt Night in the Evening the Committee appointed to attend His Majeſty with the Petition of the Houſe of Commons and the Declaration annexed, came to* Hampton-Court, *and Sir* Richard Winn (*I may name him upon this Occaſion*) *gave his Majeſty Notice of our being there; and within a quarter of an hour, the King ſent a Gentleman to call us in, with Directions that none ſhould come in but the Committee alone, who did all of them preſent themſelves upon their Knees, and my ſelf, in obedience to the Order of the Houſe in the Abſence of * another deſigned for that Service, did begin to read the Petition kneeling; but his Majeſty would not permit us to kneel, but commanded us all to riſe, and ſo read it; the firſt Obſervation His Majeſty made, was at that part of the Petition, that charges the Malignant Party with the deſign to change Religion; To which His Majeſty ſaid with a great deal of fervency,* The Devil take him, whomſoever he be, that had a Deſign to change Religion. *I then proceeded, and when I came to that part of the Petition, for reſerving the diſpoſal of the Lands of the Rebels in* Ireland, *&c. his Majeſty was pleaſed to ſay,* We muſt not diſpoſe of the Bears Skin till he be dead. *After the Petition was read, his Majeſty deſired to ask us ſome Queſtions*;

The Report how the King received the Petition and Declaration.

* Sir *Ed. Deering* upon whom they had impoſed this ingrateful Task, he being now fallen into their diſpleaſure.

Decemb. 1641.

Queſtions ; *we anſwered, We had no Commiſſion to ſpeak any thing concerning this buſineſs.* Then, *ſaid he,* you may ſpeak as particular men ; *and ſaid,* Doth the Houſe intend to publiſh this Declaration ? * *We anſwered, We could give no Anſwer unto it.* Well then ! *ſaid He,* I ſuppoſe you do not now Expect an Anſwer unto ſo long a Petition ; And this let me tell you, I have left *Scotland* well and in Peace, they are all ſatiſfied with me, and I with them ; and thô I ſtaid longer there than I Expected, yet I think if I had not gone, you had not been rid ſo ſoon of the Armies : I ſhall give you an Anſwer to this buſineſs with as much ſpeed as the weightineſs of the buſineſs will permit. *And ſo He gave us all his Hand to kiſs, and afterwards ſent Mr. Comptroller to us with this Meſſage to be delivered to the Houſe,* That there might be no publiſhing of the Declaration till the Houſe had received his Majeſties Anſwer. *We were all Entertained by Mr. Comptroller with great Reſpect, and Lodged by the King's Harbinger.*

* And yet it was carried before againſt Printing it but by 124 to 101 Votes upon *Munday* 22 No.

Mr. *Jarvaiſe Hollis* reſtored to his place in the Houſe of Commons.

This Day Mr. *Jervaiſe Hollis*, who had formerly been Expulſed the Houſe for a Speech which he made with a great ſtrength of Reaſon and Courage, but more heat than the Times would bear, againſt the tame Compliances with the *Scottiſh* Army then in *England*, was reſtored to his place to ſit as a Member of the Houſe of Commons.

The Debate about the Tumults, was, as it had been the day before, adjourned till to morrow.

Friday, Decemb. 3. Ammunition ſent from the Tower for *Ireland.*

The Earl of *Bath* Reported the Conference had this Day with the Commons, *That they did let their Lordſhips know, That whereas there were divers Waggons and Carts loaden with Arms and Ammunition from the* Tower *of* London, *to be conveyed to* Weſt-Cheſter, *and to be Shipped for* Ireland *which were but ſlenderly Guarded, therefore they deſire that their Lordſhips would be pleaſed to joyn with them to move his Majeſty, to give Order to the Sheriffs of the ſeveral Counties through which they are to paſs, That they may be guarded ſafely to* Weſt-Cheſter. To which the Lords agreed.

Alſo, That Information was given, That a Ship was lately diſcovered in Milford-*Haven loaden with Arms and Ammunition, and that it is reported, the Men in her be* French-men, *but they ſpeak* Engliſh ; *and that another Ship, as they are informed, is in the Haven of* Aberdoney *in* Cardiganſhire, *and the Men buy up the Proviſions of that Country* ; *That two Men which were in that Ship, they underſtand are now in Town.* Whereupon, the Lords Ordered that they ſhould be ſent for, to be Examined concerning this buſineſs.

It will poſſibly to ſome perſons appear very ſuperfluous, to take notice of ſuch trifling paſſages as theſe Informations, and the Neceſſity of Guarding the Waggons to *Weſt-Cheſter* ; but it is to be conſidered, That as trifling as theſe things now may ſeem to be, the Faction, induſtriouſly pickt up all ſuch Informations, and made Extraordinary Uſe of theſe little Arts to facilitate their Great Deſign : for now the Kingdom was to be put into a Poſture of Defence, as they termed it, that was, they intended to wreſt from the King the Power of the Sword, the *Militia* of the Nation ; and nothing could be more ſerviceable to them, in amuſing the People with imaginary Dangers of *French* Ships laden with Arms and Ammunition, and *French-men* that ſpeak *Engliſh*, and conſequently Fears of Forreign Invaſions, *&c.* than theſe ſtories, which being ſpread abroad, and ſufficiently magnified by running from hand to hand, gave a Countenance to their unjuſt Demands of ſettling the Militia, and puting the Kingdom into this Poſture of Defence.

The King having acquainted the Lords, That Certain Commiſſioners were come from *Scotland* to Treat with both Houſes of Parliament concerning the Aſſiſtance for *Ireland*, and to ſettle all the Condition and State of the Warr, the Lords Appointed and Nominated the Earl of *Bedford*, and the Earl of *Leiceſter* Lord Lieutenant of *Ireland*, and the Lord *Howard* of *Eſcrick*; and the Commons, *Nathanael Fynes* Eſquire, Sir *William Armyn* Baronet, Sir *Phillip Stapleton* Knight, and *John Hampden* Eſquire, to be Commiſſioners to be Empowered by the King's Commiſſion to Treat with the ſaid *Scottiſh* Commiſſioners, who were to acquaint his Majeſty and the Parliament with their Proceedings before they came to any final Concluſion.

Commiſſioners of both Houſes appointed to treat with the *Scots* Commiſſioners concerning Aſſiſtance for *Ireland*.

The Councel of the Impeached Biſhops were called in to be heard in that affair, who informed their Lordſhips, *That the Cauſe will not be fit for hearing, until the Biſhops have put in their Anſwers; for until then, there can be no Iſſue joyned, and they conceive no Anſwer can be made until the Charge be particular, therefore the Biſhops abide by their Plea and Demurrer.*

The Biſhops Plea and Demurrer to be argued *Tueſday Dec.* 7.

Whereupon, the Houſe Ordered, *That the Councel for the Biſhops ſhall be heard at the Barr what they can ſay in maintenance of the Plea and Demurrer to the Impeachment brought up from the Houſe of Commons againſt the Biſhops, on* Tueſday *the 7th of this inſtant* December, *at which time and place, the Houſe of Commons, or ſuch of their Members as they ſhall appoint, may be preſent if they pleaſe.* And a Meſſage was ſent by Sir *Robert Rich* and Dr. *Bennet* to acquaint them with this Order.

Phillips the Prieſt was this Day, according to a former Order, Bailed, upon conditions not to go to Court, &c. as before.

Phillips the Prieſt bailed.

Two Bills were brought up from the Commons by Sir *William Lewis*, the One Entituled, *An Act for the better raiſing and levying of Soldiers, for the preſent Defence of the Kingdoms of* England *and* Ireland. The other, *For Relief of Captives taken by* Turkiſh *Pyrates, and to prevent the ſame for the time to come.*

Little of moment paſſed in the Commons Houſe, beſides the reading and paſſing the above named Bills and Meſſages before recited about the Biſhops, &c. only, the Debate of the Tumults was again put off till to morrow, and Monſieur St. *Germain* a *French-man*, whoſe cloſe Impriſonment with ſtrict Orders, That no perſon ſhould ſpeak with him but in the preſence of a Keeper, &c. which had made a mighty noiſe about the Town, and ſo anſwered the deſign why he was taken up, was this day by Order of the Commons diſcharged from his Impriſonment.

St. *Germain* the French man releaſed.

This day, Sir *George Whitmore*, Mr. *Cordall*, Mr. *Soame*, Mr. *Gayer*, Mr. *Garret*, Mr. *Wollaſton*, and the two Sheriffs of *London*, being all Aldermen of the ſame City, together with the Recorder, by virtue of an Act of Common Council attended his Majeſty at *Hampton-Court*, to render him the Thanks of the City for his gracious favour done them by affording them his Royal Preſence, and giving ſo great Teſtimonies of his Affection and Kindneſs to the City. They were conducted to His Majeſty by the Earl of *Dorſet* Lord Chamberlain to the Queen, and Sir *Peter Wiche* Comptroller to his Majeſty; where, after they had returned the Humble Thanks of the City to his Majeſty for his former Favours, they offered theſe two humble Petitions,

Several Aldermen with the Sheriffs and Recorder of *London* attend the King at *Hampton-Court*.

First, *That their Majeſties would vouchſafe this Honor to the City, if it might ſtand with their good Pleaſures, to make their Reſidence at this Seaſon of the Year at the Palace of* Whitehall.

They diſavow the Tumults.

The Second was, *That whereas ſince his Majeſties happy Return, there had been ſome late diſorders at* Weſtminſter, *among ſome People met there; That their Majeſties would not impute this to the Body of the City, or to the better ſort of Citizens, That they held it a Miſfortune aad a Scandal unto them, that when thoſe Diſorders were mentioned, the City was named with it; and that their deſire was to vindicate themſelves, and in ſome ſort redeem their Credit by publiquely diſavowing it.*

To which the King was pleaſed graciouſly to Anſwer,

The King promiſes to keep his *Chriſtmas* at *White-Hall.*

THat he was very well pleaſed with the Hearty and Loyal Affections of the Citizens, for which he gave them great Thanks; and though He and the Queen had before purpoſed to Winter at Hampton-Court, *yet being now fully perſuaded, that the Lord Mayor and Aldermen, and the moſt conſiderable Citizens of* London, *had not any hand in the Diſorders and Tumults at* Weſtminſter, *he intended, and ſo he knew Her Majeſty would, to alter his Reſolution, and with all convenient ſpeed repair to* White-hall, *there to keep their* Chriſtmas, *and be ready to do any thing elſe, that might promote the Trade of the City, hoping they would joyn with him in taking ſome Courſe for prevention of the like Diſorders for the future.*

Several Aldermen of the City of *London* Knighted.

After which the Recorder and Sir *George Whitmore* having kiſſed his Royal Hand, the next Alderman in Seniority kneeled down, to receive the ſame Favour, when his Majeſty, inſtead thereof, drawing a Sword, conferred the Honor of Knighthood upon Five of them and the two Sheriffs, the Recorder and Sir *George Whitmore* having received that Favor before: After which they were nobly Entertained by his Majeſties Command, by the Earl of *Dorſet* and Mr. Comptroller at Dinner; and His Majeſty and the Queen ſent two Gentlemen to let them know, *That they had remembred the Health of the Lord Mayor and the whole City;* And ſo to the Mutual Satisfaction both of his Majeſty and the City, to whom they were to carry this account, they returned to *London.* But all theſe fair hopes were quickly blaſted in the bud, and that Loyal Party of the City were deprived by the Envy of that Domineering Faction, who diſpoſſeſſed them not long after by Force and Tumults, not only of all Power of Aſſiſting his Majeſty, but of protecting themſelves from moſt Barbarous Outrages and Violences.

Mr. *Pym* and others were this day appointed to be a Committee to prepare Heads for a Conference with the Lords, and to acquaint them *what Bills this Houſe hath paſſed and ſent up to their Lordſhips which much concern the Safety of the Kingdom, but have had no Conſent of their Lordſhips unto them; and that this Houſe being the Repreſentative Body of the whole Kingdom, and their Lordſhips being but as particular Perſons, and coming to Parliament in a particular Capacity, that if they ſhall not be pleaſed to conſent to the paſſing of thoſe Acts, and others neceſſary for the Preſervation and Safety of the Kingdom, That then this Houſe together with ſuch of the Lords that are more ſenſible of the Safety of the*

Kingdom, may joyn together, and repreſent the ſame to his Majeſty. They are likewiſe to take into Conſideration ſome Courſe for the Guarding of the Towns of Hull *and* Newcaſtle.

Thus early did the *Democratique* ſpirit begin to ſhew it ſelf, and their telling the Lords that they came to the Parliament and ſate there only as particular perſons, that is, in a private Capacity, is a clear Teſtimony what a Mean Eſteem they had of that Honourable and Supream Court of Judicature, and what little Intereſt they thought they had in the Management of Publique Affairs; and in Effect a plain intimation what they were to Expect if they did not joyn with the Faction in what ever they ſhould Vote was for the Good, the Preſervation and Safety of the Kingdome.

The Faction indeed, now began to be ſo Rampant in the Commons Houſe, they Encouraging the Tumults and the Tumults Enlivening them, that Speaker *Lenthall* either grew weary of the Chair, or at leaſt, in hopes of getting ſomething for holding it longer, to pretend ſo; and I find in the Paper-Office two Letters of his to Sir *Edward Nicholas*, bearing date as this day, to that purpoſe; had he then had the good Fortune to quit that Seat, he might have Eſcaped the Brand of Infamy which to the Worlds End will lye upon his Name, for being the Mouth of that Houſe, which pronounced ſo many Miſeries, Murders, Warrs, Deſtructions, Deſolations and Diſmal Events to the *Engliſh* Nation. The Letters were in theſe Words:

Speaker *Lenthall's* Letter to Sir *Edward Nicholas*, to be quit of the Chair.

Right Honorable, moſt Noble Sir,

THE Aſſurance of your Noble Favours, imboldens me to commit to your Care, the greateſt Concernment that ever yet befel me; the Deſire being inforced by an unavoydable Neceſſity. I have now in this Imployment ſpent almoſt 14 *Months, which hath ſo Exhauſted the Labours of* 25 *Years, that I am inforced to fly to the Sanctuary of His Sacred Majeſty's Mercy. Could I ſuppoſe, that my humble Suit, grounded on the full Expreſſion of Duty and Obedience, ſhould have other interpretation, or ſeem unfit in the deep Judgment of his Sacred Majeſty, I ſhould then deſire my Thoughts might periſh in their firſt Conception, ſo willing am I to offer my Self and Fortune a Sacrifice for his Royal Service: but in that I hope it cannot, I muſt humbly deſire your Honor, on my behalf, in the loweſt poſture of Obedience, to crave of his Sacred Majeſty his Royal Leave, that I may uſe my beſt Endeavours to the Houſe of Commons, to be quit of this Employment, and to retire back to my former private life, that whilſt I have ſome ability of Body left, I may endeavour that, without which, I cannot but Expect a Ruin, and put a badge of Extream Poverty upon my Children. The apprehenſion of my ſpeedy Enſuing miſery, is that hath begot this moſt humble Requeſt, but ſtill with that due regard of my Obedience and Duty, that no Earthly conſideration ſhall ever Encourage the leaſt of Thoughts, that may tend to the retardment of his Royal Commands. Sir, This being preſented to your Honourable Care, aſſures me of ſuch a Succeſsful way, as ſhall ever become the Duty of me, his meaneſt Subject, in all humility to beſeech. Thus am I imboldened humbly to declare the Reſolution and Deſires of*

Your Honors moſt Obedient Servant,

Decemb. 3. 1641.

William Lenthall.

Decemb. 1641.

But his Heart miſgiving him it ſeems, and for fear the King ſhould take him at his Word, and leave him to his Liberty to propoſe to the Houſe the choice of a new *Speaker*, he incloſed in the former another Paper in theſe words:

Right Honourable,

MAY it pleaſe your Honor, if this other Way do not take, if you may find opportunity, without prejudice to your ſelf, let me intreat you to incline his Majeſty, to recommend me to the Conſideration of the Houſe, by which means, I may hope of ſome ſatisfaction: but this is totally left to your Honor's Conſideration as opportunity offers, and your Honor thinks fit in your own Judgment. Thus humbly Craving pardon for this great Preſumption, I can ſafely ſay no man lives that is more

Your Honors moſt humble Servant,

William Lenthall.

Saturday, Decemb. 1.

The Lord Keeper being indiſpoſed, craved leave of the Houſe to retire for ſome time for the Recovery of his health; which being granted, this day the Lord Chief Juſtice of the *Common-Pleas*, by the Command of the Houſe ſate as *Speaker*, the Lord Privy Seal having performed the Office for ſome part of the day preceding.

And little of moment paſſed this day more then that the Lord Chamberlain was appointed to move his Majeſty to Command the Sheriffs of the ſeveral Counties through which the Arms and Munition were to paſs to *Cheſter*, to take Care of the Safe Guarding of them.

Chillingworth ſent to the Tower for words ſpoken in the Houſe.

In the Commons Houſe Mr. *Chillingworth* a Member was ſent to the Tower, for ſpeaking ſome words which gave offence to the Houſe, by declaring his judgment, in offering at his Inſtances concerning depoſing of Princes. It was too early day yet to broach theſe Doctrines, and the Gentleman was to be made an Example for this raſh Intemperance of his Tongue; and certainly the Faction could not, if it had been a forelaid occaſion, have done themſelves a more Serviceable and Popular kindneſs; for this was to let the whole Nation know, that they had ſuch a tenderneſs of Loyalty and Duty for the King, that their chaſt Ears could not indure the ingrateful ſound of Depoſing Kings, though in Inſtances of the remoteſt diſtance; and then the natural Conſequence of this muſt be, That they who had ſuch averſions and abhorrency to Treaſonous Poſitions, and Preſidents at ſuch a Diſtance, could have no evil Intentions againſt their King, though they asked of him to diveſt himſelf of the Power of the Sword, and other Royal Prerogatives, and in effect all that made him an Actual, or more then a Titular King.

Mr. *Daniel O Neal* was this day again Examined concerning the Plot of bringing up the Army againſt the Parliament.

The conſideration of the Tumults was this day alſo put off again.

Monday, Decemb. 6.

Little was done this day in the Houſe of Lords, more then reading of the Bill for Captives taken by *Turkiſh* Pyrats, and the Bill for Raiſing Men for the defence of *England* and *Ireland*, which received many alterations and amendments, which were to be delivered to the Commons at a Conference.

In

Decemb. 1641.

In the Commons Houſe Mr. *Glyn* Reported from the Committee the Reaſons to be offered to the Lords, for admitting this Houſe to bring their proof againſt the 13 Biſhops formerly Impeached.

The Reaſons of the Commons to come to a hearing againſt the Biſhops notwithſtanding their Demurrer.

That the Committee conceive this Courſe to be moſt fit to be held in the management of this Conference, to make a Narration of the Proceedings ſince the firſt Impeachment, and of the Votes of both Houſes concerning the Canons.

Firſt, That it is Voted by both Houſes, That the Canons, &c. made by the late Convocation, do contain in them matters contrary to the King's Prerogative, to the Fundamental Laws of the Land, againſt the Liberty of the Subject, the Property of their Eſtate, and tending to Sedition, and of dangerous Conſequence.

That theſe Canons being thus Voted by both Houſes of Parliament, and to bring the Principal of the Perſons in the making of thoſe Canons to Judgment, according to their demerit. The Houſe of Commons did the 4th of Auguſt *laſt, by word of Mouth, Impeach at the Bar of the Houſe of Lords theſe* 13 *Biſhops by name, and then deſired, That they might be put to Anſwer in the preſence of the Commons: That becauſe ſome Objections were made, That that Impeachment was too general, the Houſe of Commons did the* 13*th of the ſame Month Impeach the ſaid Biſhops at the Bar of the Lords Houſe, and this Impeachment to be read at the Conference; which did declare,* That All and every the ſaid Canons, *&c. were and are contrary to the King's Prerogative, and the Fundamental Laws of the Land,*&c. *And were ſo contrived, made, and promulged by them,* &c. *And that therefore they might be put to Anſwer in the preſence of the Commons.*

That in both theſe Charges, the Commons did deſire that the 13 *Biſhops might be put to Anſwer in the preſence of the Commons. That afterwards the Biſhops had ſeveral days given them to Anſwer, and at laſt, the* 10*th of* November *laſt was appointed peremptorily unto them to Anſwer: That when the* 10*th of* November *came, theſe Biſhops put in a Writing which they call,* A Plea and Demurrer, *which Writing the Lords ſent down to the Houſe of Commons; upon notice of which Writing, which they term,* A Plea and Demurrer, *wherein they neither confeſs nor deny the Fact; this Houſe did deſire the Lords to appoint a Day when they might come and make good their Charge againſt them.*

That the Lords ſent a Meſſage to this Houſe, that they had Ordered to Morrow to hear the Council of the Biſhops upon their Plea and Demurrer; and that ſuch Members of this Houſe, as the Houſe ſhall think fitting, may be there preſent. This for the matter of the Narration.

That upon this the Committee have drawn theſe Concluſions, That it appeareth by the Meſſage from the Lords, they were Impeached 4to Auguſti; *and that divers days were given them to Anſwer, and peremptorily the* 10*th of* November, 1641. *That they made no Anſwer, but put in a Plea and Demurrer, as they call it: And that therefore their Demurrer ought not to be admitted, becauſe their Defence ought not to be made to the Impeachment of the Houſe of Commons, but in their preſence, and that the Commons ought to be thereunto called: And that in all Courts of Juſtice it is ſo, that the Party concerned ought to be called to all Anſwers, Pleas and Demurrers; for otherwiſe miſtakes might ariſe, which by being preſent might be rectified; as in this Caſe, for if the Commons had been preſent when the Biſhops made their Anſwer, there would not have* *been that miſtake, for that upon ſearch it appears, in the Lords Book, that the ſecond Impeachment, whereby all Arguments of incertainty were taken away, and which ſupplied any defects in the firſt, as in this particular* [All and Every the ſaid Canons] *were ſo Expreſſed in the ſecond Charge, and yet not ſo entred in the Lords Book of Journals, which would have been rectified, if the Commons had been preſent at their Anſwer. So in regard of this inconveniency, the Commons ought to have been admitted to be there preſent.*

Next, that the Charge conſiſting of meer matter of Fact, not done above a year before, they ought to be called to Anſwer to the matter of Fact, and not to tender a thing called a Plea and Demurrer.

As alſo that the Commons conceive they ought to have been called, in this Caſe; for that they have deſired it in both their Charges, to be preſent at their Anſwer, and that it was their Right to have been called.

Further, They obſerve the long delay to the Commons, for that they having charged theſe 13 Biſhops long ſince for meer matter of Fact, to be brought ſo late to Anſwer, may introduce great inconveniencies in this particular, and in the Conſequences, and is not Exampled by former Precedents.

That therefore upon theſe Grounds the Commons deſire the Lords, they may be admitted to make good their proof againſt theſe 13 Biſhops, and that they may be brought to Judgment.

Tueſday, Decemb. 7. Some Cauſes in Parliament determinable in no other Court.

It was this day Ordered by the Lords, That, *Foraſmuch as the Cauſe between* Smith *and* Busby *in a Writ of Error, decidable in no other Court but in Parliament, in regard the Suit was Commenced by Original Writ, and depending long before the Lords here, it having been ſundry days attended for Argument with Counſel. And being it is a matter in Law, the preſence of the Judges is thought needful, and ſo cannot be heard in the Term without prejudice to the ſeveral Courts of* Weſtminſter-Hall: *It is therefore Ordered by this Houſe, That the ſaid Caſe ſhall be argued at this Bar on* Thurſday *Sevennight next, being the 16th of this Inſtant* December, *and the Judges are deſired to be preſent at the ſaid Argument. And further, That the Parties of either ſide, or their Council are to attend and come prepared for arguing and debating the Points in the ſaid Caſe at their perils.*

The following Commiſſion to give Power to the *Engliſh* Commiſſioners of both Houſes, to Treat with the *Scots* Commiſſioners touching the Affairs of *Ireland* was read, *viz.*

The King's Commiſſion to ſeveral Lords and Commons to treat with the *Scots* Commiſſioners concerning aſſiſtance for *Ireland.*

CHARLES *by the Grace of God,* &c. *To Our right Truſty, and right Well-beloved Couſin* William *Earl of* Bedford; *and to Our right Truſty, and right Well-beloved Couſin and Councellor* Robert *Earl of* Leiceſter, *Lieutenant General and Governor General of Our Realm of* Ireland: *as alſo to Our Truſty and right Well-beloved* Edward *Lord* Howard *of* Eſcrick: *and likewiſe to Our Truſty and right Well-beloved* Nathanael Fines *Eſq; Sir* William Armyn *Baronet, Sir* Philip Stapleton *Knight,* John Hampden *Eſq; Greeting. Know ye, That We repoſing aſſured Truſt and Confidence in your approved Wiſdoms, Fidelities, and great Abilities, have Nominated, Conſtituted and Appointed you to be our Commiſſioners, and by theſe preſents do give full Power and Authority unto you, or any Three or more of you, whereof the ſaid Earl of* Bedford, *Earl of*

Leiceſter, *or Lord* Howard *to be one, to Treat and Conſult with Our Right Truſty, and Right Well beloved Coſins* William *Earl of* Lothian, *and* John *Earl of* Lindſay *Our Commiſſioners of Our* Scottiſh *Nation, of and concerning Our* Iriſh *Affairs, for the quieting and ſuppreſſing of all Tumults, Inſurrections and Rebellions moved, and raiſed in Our Realm of* Ireland, *and ſettling Peace and Tranquillity therein according to ſuch Inſtructions, and Directions, as you ſhall hereafter from time to time receive from Us in that behalf. Wherefore We Will, Require, and Command you, or any three or more of you, whereof the ſaid Earl of* Bedford, *Earl of* Leiceſter, *and Lord* Howard *to be one, forthwith, with all diligence to attend the Execution of this Our Commiſſion accordingly: And whatſoever you ſhall do in this behalf, according to the Tenor hereof, this Our Commiſſion ſhall be your ſufficient Warrant and Diſcharge for the ſame. Witneſs Our Self at* Weſtminſter *the 7th day of* December, *in the 17th Year of Our Reign,*&c.

Late Biſhop of *Lincoln*, now Archbiſhop of *York*, Reports the Conference concerning the Biſhops Impeached.

The late Biſhop of *Lincoln* now Archbiſhop of *York*, Reported the Conference with the Commons Yeſterday concerning the Impeached Biſhops, which becauſe it differs from the Heads Reported for that purpoſe by Mr. *Glyn* in the Commons Journal, I thought it not amiſs to inſert.

His Grace Reported, *That Mr.* Glyn *ſaid, That the Knights, Citizens and Burgeſſes of the Houſe of Commons, having lately received a Meſſage from their Lordſhips, that their Lordſhips had appointed this day to hear the* Plea *and* Demurrer *of the Biſhops, and that ſuch of the Houſe of Commons might be there as they thought fitting, commanded him to deliver unto their Lordſhips theſe Particulars.*

That the Canons and Conſtitutions in Queſtion were voted by both Houſes to contain Matters contrary to the King's Prerogative, the Laws of the Land, the Right of Parliament, the Propriety and Liberty of the Subject, and many matters tending to Sedition and of dangerous Conſequence. That thereupon, the Houſe of Commons to the intent to bring this Matter to Judgment, brought up their Impeachment of the 13 Biſhops 4th Auguſti *laſt, which was read verbatim.* This was all that was acted 4°. *Auguſti.*

But leaſt this Impeachment might prove too general, they brought up a ſecond Charge or Impeachment 13 *Auguſti*, which was read *in hæc verba.*

Whereas the Knights, Citizens,&c. which to avoid Tautologies, the Reader may ſee before in the Tranſactions of the 13 *Auguſt.*

By the bringing of this ſecond Impeachment, the Houſe of Commons conceive, they had ſatisfied two main Objections,

(1.) *That the Book of Canons and Conſtitutions, was not particularly inſtanced upon in the firſt, which now they punctually deliver with the Impeachment.*

(2.) *That they had not before charged any thing in particular, but now they did; That all and every the ſaid Canons and Conſtitutions, and Grants of Benevolence,&c. were and are contrary,&c. as in the Vote. And hereupon they deſired the 13 Biſhops might be put to their Anſwers; and yet for all this Deſire of the Commons* 13. Auguſti, *they had ſeveral times, which ſpent almoſt a Quarter of a Year, given them to anſwer in. Their laſt and peremptory day was the 10th of* November *laſt, and then they put*

Decemb.
1641.

in no Anſwer at all, but a certain Writing, which they are pleaſed to call a Plea and Demurrer. *Upon notice hereof, the Houſe of Commons returned an Anſwer, That whereas, they had impeached 13 Biſhops, whereof one of them had pleaded Not Guilty, and the reſt had neither confeſſed nor denyed the Impeachment; they deſired a prefixed day to deſcend to Proofs, and make good the Charge.*

Soon afrer, they received a Meſſage from their Lordſhips, That their Lordſhips had appointed this day to hear the Demurrer argued; Hence it appears, That notwithſtanding divers daies are given to the Biſhops to anſwer, nothing is brought in but a Plea and Demurrer, which was not to be admitted for two ſeveral Reaſons.

(1.) *No Defence ought to be made to an Impeachment brought in by the Commons, but in the preſence of the Commons; and it ought to be ſo, in all Courts of Juſtice in all manner of Pleadings, Anſwering and Replying, elſe abundance of miſtakes would happen of all ſides, which the preſence of the Parties might prevent. As for Example in this particular, Had the Houſe of Commons been preſent, there had not happened ſo many* Jeofailes *and Miſtakes.*

And becauſe Demurrers *ariſe ordinarily from the incertainty of the Charge, the ſecond Impeachment was of purpoſe brought in to avoid incertainties; becauſe the particulars omitted in the firſt, were ſupplied in the ſecond,*

The Book was appended to the ſecond, but not to the firſt Impeachment, but the ſecond was not entred as it was delivered, and ſo this Cauſe of ſo much Conſequence hath been delayed.

(2.) *Becauſe,* poſito, ſed non conceſſo, *put the Caſe, the Commons ought not to be called upon, and to be preſent at other defences, yet ought they to be in all defences made in this Caſe, becauſe they had* conceptis verbis, *in preciſe words deſired it, which they did, becauſe this is a* Fecit, aut non fecit, *a meer matter of Fact, and the Biſhops ought to have clearly anſwered ſuch a matter of Fact, that the Houſe of Commons might preſently have deſcended to their Proofs, according to the Old Law,* Eſt, non eſt, de omni re verum eſt.

That the Houſe of Commons had Commanded him to put their Lordſhips in mind, That long time given in Cauſes of this Nature, produce great Inconveniences, and that this kind of proceeding, is not preſidented in former Parliaments; for this Courſe would keep all Cauſes from being Heard, and Delinquents from being Queſtioned.

Super totam materiam he demanded in the Name of the Houſe of Commons, one of theſe 3 things to be granted, (1.) *That the* Demurrer *might be rejected.* (2.) *That their Lordſhips would proceed to Judgment.* (3.) *Or at leaſt that the Houſe of Commons might be admitted to make their proof without further delay.*

This being done, the Councel for the Biſhops were called in, and heard the ſecond Impeachment of the 13*th* of *Auguſt* laſt, read; and then the Councel deſired ſome ſhort day to conſider, what Anſwer the Biſhops ſhould make thereunto.

Hereupon it was Ordered, *That the 13 Biſhops impeached, ſhall put in their Anſwers to the aforeſaid Impeachment on* Saturday *next, or Reſolve whether they will abide by their Plea and Demurrer.*

In the Houſe of Commons a Petition of ſeveral Officers of the late

Army

Decemb. 1641.

Army was read, to remind the Houſe of their promiſe concerning the Payment of their Arrears, but nothing was done upon it.

The Bill for waving of Protections was alſo Reported, and Ordered to be re-committed.

A Bill for a L. General, and L. High Admiral read and rejected.

A Bill was alſo brought in for making Lord General of all the Forces within the Kingdom of *England*, and Dominion of *Wales*, and Lord High Admiral of *England*; and being read, it was put to the Queſtion for a ſecond Reading, thereupon the Houſe divided, with the *Yea* was 105, with the *No* 158: So that hopeful project was nipped in the Bud, and paſſing in the Negative, it was rejected.

A trifling Information.

An Information was given, That a Barrel of Gun-Powder was gone to *Dorcheſter*, for a Barrel of Soap. And one would think that ſuch a trifling matter, which in all probability was a perfect miſtake, and had it been real could be of no great moment, ſhould not have been thought worth the notice of a Houſe of Commons; but every little thing that contributed to inhanſe the Fears of the People was laid hold of, to inflame their apprehenſion of Dangers; and the care they took in theſe little inconſiderable Affairs, did ſtrangely Augment their Reputation in the eſteem of the common People, who looked upon them as the moſt diligent and vigilant Patriots that ever ſate within thoſe Walls, whoſe Care was as great as their Intelligence was quick and univerſal: and therefore to countenance and encourage Informations they deſpiſed none; for even for this ſingle Barrel of Powder, an Order of the Houſe of Commons was directed to the Juſtices of the Peace of *Dorcheſter*, to make diligent ſearch for a Barrel of Gun-Powder, which the Houſe of Commons was informed was ſent down thither for for a Barrel of Soap, and to ſend an account of the matter to the Houſe.

Order to ſearch at *Dorcheſter* for a Barrel of Powder ſent down for a Barrel of Soap.

Wedneſday. Decemb. 8. A Meſſage from his Majeſty to both Houſes about the *Scots* Commiſſioners, & the requeſt of the *French* Ambaſſador about certain condemned Prieſts.

The Lord Keeper acquainted the Houſe, *That His Majeſty had Commanded him to ſignifie to both Houſes, That it is His Majeſties deſire, that both Houſes would conſider of, and prepare the Inſtructions, which the Commiſſioners of both Houſes have for the treating with the* Scots *Commiſſioners touching the Occaſions of* Ireland, *and that the ſame be preſented to His Majeſty.*

That His Majeſty further Commanded him to let both Houſes know, *That the* French *Ambaſſador hath preſented a deſire to His Majeſty, That Eight Prieſts Condemned this Week, may not be put to Execution, but Baniſhed or Impriſoned in this time, the rather, for that it may concern the ſettling of the Affairs in* Ireland: *which deſire His Majeſty promiſed ſhould be Communicated to the Houſes of Parliament, for their advice therein.*

Though nothing in the World was a plainer Demonſtration of the tender Inclinations of this Excellent Prince, which was ſo averſe to whatever was Sanguinary; and that there was a very ſubſtantial Reaſon in common Policy, at this time, to comply with the requeſt of the Ambaſſador, in regard it might be expected the *Iriſh* Rebels would Retalliate this Severity, which, though according to the Laws in force, they would call Cruelty; and the innocent Proteſtants who fell into their Power, might feel the Effects of it; yet was it mighty unpopular; and his Enemies of the Faction, who were moſt inexorable upon ſuch occaſions, made very ill Uſe of it, to inſinuate the venomous Calumny into the minds of the People, that he was a favourer of Popery, and

Decemb.
1641.

wholly managed by Popiſh Councils, and that he had Eſpouſed their Intereſts, and from thence to augment the Dangers with which the Kingdom was threatned ; and therefore by Conſequence how abſolutely neceſſary it was that His Majeſty ſhould comply with the deſires of the Faction, and change his Evil Councellors, and take ſuch Perſons into all places of Power or Truſt, as the Nation might confide in ; as may be obſerved from the Declaration and Petition lately preſented to His Majeſty at *Hampton-Court*.

However the Meſſage was communicated to the Commons at a Conſerence, and the Lord Keeper Reported it as follows.

That the Houſe of Commons were careful not to loſe any time in the buſineſs of Ireland, *therefore they have preſented to their Lordſhips Conſideration, the Inſtructions which are to be given to the Commiſſioners of both Houſes, who are to Treat with the* Scots *Commiſſioners :* Which Inſtructions were read *in hæc verba.*

Inſtructions to the Commiſſioners appointed to treat with the *Scots* Commiſſioners concerning aſſiſtance for *Ireland*.

Y*OU ſhall be careful to Expreſs to the Commiſſioners of* Scotland *His Majeſties Gracious Acceptance, and the thanks of both Houſes of Parliament, for their readineſs to aſſiſt this Kingdom againſt the Rebels of* Ireland.

You ſhall receive the Anſwer of the Parliament, and State of Scotland *concerning the 5000 Men, which we formerly deſired might be ſent from thence into* Ireland ; *and upon what Conditions of Impreſt Mony for raiſing of them, and Wages for their Entertainment ; or otherwiſe, how they ſhall be ſent Furniſh'd and Tranſported for His Majeſties Service, and the aſſiſtance of this Kingdom, againſt the Rebellious* Iriſh. *And you ſhall by the beſt Ways and Means you can, Expedite the Raiſing and Sending over of theſe Men.*

Theſe Inſtructions the Houſe agreed to, but becauſe it was conceived they were ſhort in one particular, the Lords thought fit, this Addition following ſhould be made unto them, *viz.*

You ſhall from time to time, before you grow to any perfect agreement, give an account of what is propounded in this Treaty unto His Majeſty, and the two Houſes of Parliament, and receive their Directions, before you come to any binding Concluſion.

Which was accordingly the next day Voted in the Commons Houſe, to be added to the ſaid Commiſſioners Inſtructions.

The Lord Steward delivered in a Petition from *Huntingdon-ſhire*, touching Epiſcopacy, which was in theſe Words.

The *Huntingdon-ſhire* Petition for Epiſcopacy, *&c.* delivered *Decemb.* 8. 1641.

To the Right Honorable, the Lords and Commons, Aſſembled in Parliament.

The Humble Petition and Remonſtrance of the County of Huntingdon, *for the continuance of the Church-Government, and Divine Service, or Book of Common Prayer.*

Humbly Sheweth,

THat whereas many Attempts have been practiſed, and divers Petitions from ſeveral Counties, and other Places within this Kingdom, framed and Penned in a cloſe and ſubtile Manner, to import more then is at firſt deſcernable

Decemb. 1641.

able by any ordinary Eye, or that was imparted to thoſe who ſigned the ſame, have carried about to moſt Places, againſt the preſent Form and Frame of Church-Government and Divine Service, or Common Prayer, and the Hands of many Perſons of ordinary Quality, ſolicited to the ſame, with Pretence to be preſented to the Honorable Aſſembly in Parliament, and under colour of removing ſome Innovations lately crept into the Church and Worſhip of God, and reforming ſome Abuſes in the Eccleſiaſtical Courts, which we conceiving and fearing not ſo much to aim at the taking away of the ſaid Innovations, and Reformation of Abuſes, as tending to an abſolute Innovation of Church Government, and Subverſion of that Order and Form of Divine Service, which hath happily continued among us, ever ſince the Reformation of Religion: out of a tender and zealous regard hereunto, We have thought it our Duty, not only to diſavow all ſuch Petitions, but alſo to manifeſt our Publick Affections and Deſires, to continue the Form of Divine Service, and Common Prayers, and the preſent Government of the Church, as the ſame have been continued ever ſince the firſt Reformation, and ſtand ſo eſtabliſhed by the Laws and Statutes of this Kingdom.

For when We conſider, That the Form of Divine Service expreſſed and contained in the Book of Common Prayer, was with great Care, Piety and Sincerity reviſed and reduced from all former Corruptions and Romiſh Superſtitions, by thoſe holy and ſelected Inſtruments of the Reformation of Religion within this Church, and was by them reſtored to its firſt purity, according as it was inſtituted and practiſed in the Primitive Times, ſtandeth Confirmed, Eſtabliſhed and Injoyned by Act of Parliament, and Royal Injunction, and hath ever ſince had the general Approbation of the Godly, and a publick Uſe and continuance within this Church. And that Biſhops were inſtituted, and have had their being and continuance ever ſince the firſt Planting of Chriſtian Religion among us, and the reſt of the Chriſtian World, that they were the Lights and glorious Lamps of God's Church, that ſo many of them ſowed the Seeds of Chriſtian Religion in their Bloods, which they willingly pouered out; therefore that by them, Chriſtianity was reſcued and preſerved from utter extirpation, in the fierce and moſt cruel Perſecutions of *Pagan* Emperors; that to them we owe the Redemption of the purity of the Goſpel, and the Reformation of the Religion we now profeſs, from Romiſh Corruption; that many of them for the propagation of that Truth became glorious Martyrs, leaving unto us, an holy Example, and an honorable Remembrance of their Faith and Chriſtian Fortitude; that divers of them lately, and yet living with us, have been ſo great Aſſertors and Champions of our Religion, againſt the common Enemy of *Rome*, and that their Government hath been ſo Ancient, ſo long Approved, and ſo often Eſtabliſhed by the Laws and Statutes of this Kingdom, and as yet nothing in their Doctrine generally taught diſſonant from the Word of God, or the Articles Eſtabliſhed by Law, and that moſt of them are of ſingular Learning and Piety. In this Caſe to call the Form of Divine Service and Common Prayers, Erronious, Popiſh, Superſtitious, Idolatrous, and call the Government by Biſhops, a perpetual Vaſſalage, and intolerable Bondage; and at the firſt Step, and before the Parties concerned be heard, to pray the preſent removal of them, or the utter Diſſolution and Extirpation of them, their Courts and their Officers, as Antichriſtian and Diabolical, we cannot conceive to ſavor or reliſh of Piety, Juſtice and Charity, nor can we joyn with them herein, but rather humbly pray a Reformation of the Abuſes and Puniſhment of the Offenders, but not the Ruin or Abolition of the Innocent.

Now on the contrary, when We conſider the Tenor of ſuch Writings, as in the Name of Petition are ſpread among the Common People, the Contents of many printed Pamphlets ſwarming at *London*, and over all Countries; the Sermons preached publickly in Pulpits, and other private Places, and the bitter Invectives divulged, and commonly ſpoken by many diſaffected Perſons, all of them ſhewing an extreme averſeneſs and diſlike of the preſent Government of the Church and Divine Service or Common Prayers; dangerouſly exciting a Diſobedience to the eſtabliſhed Form of Government and Church Service, their ſeveral Intimations of the deſire of the Power of the Keys, and

Decemb. 1641.

that their Congregations may be independent, and may execute Eccleſiaſtical Cenſures within themſelves, whereby many Sects and ſeveral and contrary Opinions, will ſoon grow and ariſe; whereby great Diviſions and horrible Factions will ſoon inſue thereupon, to the Breach of that Union, which is the ſacred Bond and Preſervation of the Common Peace of Church and State: their peremptory deſires, and bold aſſuming to themſelves the Liberty of Conſcience, to introduce into the Church whatſoever they Affect, and to refuſe and oppoſe all things which themſelves ſhall diſlike, and what they diſlike muſt not only to themſelves, but alſo to all others be Scandalous and Burdenſom, and muſt be cried out upon, as great and inſupportable Grievances, yea though the things in themſelves be never ſo indifferent, of never ſo long continuance in Uſe and Practice, and never ſo much deſired and affected by others, ſo that where three or four of them be in a Pariſh, though 500 others deſire the uſe and continuance of things long uſed, all muſt be altered, or taken away as Scandals and Grievances for theſe three or four, though to the Offence of many others, and what ever they will have introduced muſt be impoſed upon all others, and muſt by all be admitted, without Scandal or Offence, whereby multitudes of Godly People and well affected, are in ſome things deprived, or abridged of what they deſire and take comfort in, and have had ſo long and lawful Uſe and Practiſe of, and other things impoſed upon them againſt their Wills and Liking, as if no account were to be made of them, or no Liberty of Conſcience left unto them. Which bold Attempts of ſome few to arrogate to themſelves,and to exerciſe over all others, what high Preſumption is it? and how great a Tyranny may it prove over the Minds and Conſciences of Men? The great increaſe of late of Schiſmaticks and Sectaries, and of Perſons not only ſeparating and ſequeſtring themſelves from the Publick Aſſembly at Common Prayers and Divine Service, but alſo oppoſing, and tumultuouſly interrupting others in the performance thereof, in the Publick Congregation; the frequent and many Conventicles held amongſt them, and their often Meetings at all publick Conventions of Aſſizes, Seſſions, Fairs, Markets, and other publick Aſſemblies, their earneſt labouring to ſollicit and draw the People to them, and the general Correſpondence held among them, to advance their Ends herein. Of theſe things we cannot but take Notice, and muſt needs expreſs our juſt Fears, that their Deſires and Endeavors are to work ſome great Change and Mutation in the preſent State of the Church Government, and in the Form of the Publick Worſhip of God, and Divine Service and Common Prayers.

Of the common Grievances of the Kingdom, we as others have been and are ſenſible, and do profeſs that we have juſt Cauſe with Joy and Comfort to remember, and with thankfulneſs to acknowledg the pious Care, which is already taken for the Suppreſſing of the Growth of Popery, the better ſupply of able and painful Miniſters, and the removing of all Innovations; and we doubt not, but in your great Wiſdoms you will regulate the Rigor and Exorbitancy of the Eccleſiaſtical Courts, to ſuit with the Temper of our Common Laws, and the Nature and Condition of Freemen: and we hope, and humbly Pray, that the preſent Form of Church Government, and of Church Service, and Common Prayers now Eſtabliſhed by the Statutes of this Kingdom ſhall be ſetled, and that all ſuch as ſhall oppoſe themſelves againſt the ſame, or ſhall do or ſpeak any thing in derogation or depraving of the ſaid Divine Service or Book of Common Prayer,may without any further Tolleration or Connivence, undergo the Pains, Puniſhment and Forfeitures due therefore; and that ſuch Care ſhall be taken for placing of Orthodox and Peaceable Men, Lecturers in all Places, whoſe Doctrine may tend rather to ſound Inſtructions and Edification, than lead to Schiſm and Faction.

All which We humbly Submit to your great Judgments, and ſhall pray to God, to aſſiſt and direct you from above, with his heavenly Wiſdom, to guide and bring all your Conſultations to happy Concluſions.

In the Commons Houſe, the Meſſage concerning the Prieſts was delivered by Sir *John Culpeper.*

A Committee was appointed to prepare an Order, to be preſented to the Houſe of Lords, whereby the Commiſſioners for the Treaſury may be enjoyned not to diſpoſe of the Money received, or to be received upon the Bill of Tonnage and Poundage, till proviſion be made out of the ſame for the defence of the Narrow Sea. Thus did they by the late Bill of Tonnage and Poundage, make ſuch a Preſent to His Majeſty, as the *Biſcainers* do to the King of *Spain*, when he comes into that Province, who preſent him with a Bag of Money upon the Top of a Lance, but withal inform him, that he muſt not meddle with it.

The Committee which was appointed to draw up the Inſtructions for the Commiſſioners to Treat with the *Scottiſh* Lords, were alſo Ordered, *To prepare Heads for a Conference, with Reaſons to be delivered to the Lords, to induce them to joyn with this Houſe to move His Majeſty to declare, that a Toleration of Religion may not be granted to the Rebels in* Ireland, *nor in any of His Majeſties Dominions.* This was another of thoſe invidious Inſinuations, by which under a pretence of great Zeal to the Proteſtant Religion, they did not only ſecretly Calumniate His Majeſty as a favourer of Popery; but by putting the Rebels out of all hopes of Liberty, or Connivence for their Religion, was one of the things which contributed to render them more deſperate; and to drive on the Rebellion to the utmoſt Extremity.

Thurſday, Decemb. 9. **Meſſage of Commons to the Lords concerning Inſtructions to treat with** ***Scots,*** **for** ***Ireland.*** **Lords Reſolution upon it to acquaint the King.**

A Meſſage was this day brought from the Houſe of Commons by Mr. *Pym*, to let their Lordſhips know, *That the Commons do agree to the Addition which their Lordſhips made to the Inſtructions ſent down to them Yeſterday; and they deſire this Addition, and thoſe Inſtructions brought up Yeſterday from the Houſe of Commons, may be annexed to the Commiſſion.*

Upon this, the Houſe of Lords agreed, *That all the Inſtructions ſhall be preſented to the King; and to this purpoſe the Earl of* Bedford, *and the Lord* Howard *of* Eſcrick *were appointed preſently to attend the King with them, for his approbation.*

The King approves them.

The Earl of *Bedford* Returning, Reported, *That he had acquainted the King with the Inſtructions to be given to the Commiſſioners of both Houſes, who are to Treat with the* Scots *Commiſſioners, and that the King, after he had read them, approved of them; and ſaid, He would ſend by His Secretary to the Lord Keeper, with Directions, that they may be annexed to the Commiſſion.*

Committee for Scandalous Pamphlets revived.

After which it was Ordered, *That the Committee appointed to conſider of the Printing of unlawful Books and Pamphlets, ſhall meet on* Monday *next at Eleven of the Clock; and that the Lord Privy Seal, Lord* Wharton, *and Lord* Bruce *be added to the ſaid Committee for Printing.*

Licenſe to ſeveral Perſons to raiſe Recruits for the ***Engliſh*** **Captains in the Dutch Service.**

It was this day Ordered, *That* James Watts, *Enſign unto the Company of Captain* Francis Gregory, *ſhall have Power, by Virtue of this Order, to Entertain and Tranſport into the Low Countries, for the Service of the States of* Holland, *the number of* 300 *Men, by way of Recruits, according to former Liberty granted by His Majeſty for the ſupplying of the ſaid Captain* Francis Gregory*'s Company.*

December, 1641.

The Order was directed, *To all Mayors, Juſtices of Peace, Conſtables, and all others His Majeſties Officers, to be Aiding and Aſſiſting to the ſaid* James Watts, *with all convenient Expedition, that may be afforded.*

The like Orders of the ſame date was granted, for taking up of 40 Men for Captain *Peyton*'s Company, by *John Grey*, and *John Tirrel.*

For 40 Men, for Lieutenant Colonel *Corbet*'s Company, by *William Jenkins.*

For 40 Men for Captain *Honywood*'s Company, by *Robert Harding*, and *Dymock Holby.*

In the Commons Houſe ſeveral Northern Petitions were this day preſented for the Billet-Money, which was engaged to be paid to the Inhabitants of thoſe Counties where the *Scots* and *Engliſh* Armies were Quartered.

Whereupon Sir *John Hotham* Reported from the Committee appointed to Examine that matter, the State of the Money, and the Debt of the Kingdom, by which it appeared as followeth.

	l.	*s.*	*d.*
The firſt Two Subſidies	108672.	06.	00.
The Third and Fourth Subſidies	96461.	19.	09.
	205134.	05.	09.
Paid out to divers Citizens of London	51507.	05.	08.
To Sir John Harriſon	51885.	16.	10.
To Alderman Pennington	9972.	13.	10.
To other Perſons Members of the Houſe	18497.	15.	08.
To the Inhabitants of ſeveral Wards	45893.	13.	09.
To Sir William Udal *for the Army*	9000.	00.	00.
	186757.	05.	09.
So reſts of the Four Subſidies	18377.	00.	00.
Of which paid for the Affairs of Ireland *to be repaid out of the Citizens Loan-Money*	12000.	00.	00.
And to be repaid to Sir Robert Pye, *Sir* Edw. Hales, *and others that lent it*	2000.	00.	00.
Remains	4377.	00.	00.
Receipts of the Poll-money in general throughout the Kingdom	256720.	18.	02.
Viz.			
Poll-money paid at York	37371.	09.	10.
Sir William Udal *from the 7 Northern Counties*	15450.	00.	00.
Poll-money from Sir Rob. Pye, *and Mr.* Wheeler	37415.	09.	02.
Poll-money by the Treaſurers	162195.	04.	07.
In London	4288.	14.	07.

Memo-

Decemb. 1641.

	l.	s.	d.
Memorandum, *in Caſh in the City of* London, 8 Dec. *not paid to the Lenders*	5596.	15.	11.
Total Received upon the four firſt Subſidies	205134.	05.	09.
Upon the Poll-Bill	256720.	18.	02.
The Compoſition of Old and New Cuſtomers	165000.	00.	00.
Total	626855.	03.	11.
Iſſued to Sir William Udal	339760.	00.	00.
To the Scots	291361.	19.	04.
To Sir John Mills *for the Queen Mother*	7000.	00.	00.
To Colonel Goring	3000.	00.	00.
To the Pay-Maſter at Berwick	29000.	00.	00.
To the Pay-Maſter at Carliſle	10000.	00.	00.
To Mr. Vaſſal *for Ships to Holy-Iſland*	170.	00.	00.
To the Commiſſioners for the Poll-money	600.	00.	00.
To the Committee in Scotland	1200.	00.	00.
To O Connelly	500.	00.	00.
To ſeveral Perſons upon Orders	307.	09.	00.
Total Iſſued	682899.	08	04.
Total Received	626855.	03.	11.
Remains in Debt	56044.	04.	05.
Beſides, for Billet-money	64000.	00.	00.
For Half Pay	26000.	00.	00.
More for Billet	38000.	00.	00.
Scots *Arrears of Brotherly Aſſiſtance*	220000.	00.	00.
Peers to the City of London	56000.	00.	00.
For Ireland *to the City*	56000.	00.	00.
Total Debt	516044.	04.	05.

Having thus helped to purge the Nation of ſome ſuperfluous Money, as appears by this Account, which was in a manner wholly occaſioned by the Invaſion of their Reforming Brethren of *Scotland*; they began now to think of Purging out the Loyal Members from their own Houſe, as well as the Biſhops from the Houſe of Lords. And it was upon the Debate *Reſolved,&c.* ſeverally,

That Mr. Henry Wilmot, *Sir* Hugh Pollard, *Mr.* William Aſhburnham, *and Sir* John Berkley, *ſhall be accuſed of Miſpriſion of Treaſon.*

Wilmot, Pollard, and *Aſhburnham* Voted guilty of Miſpriſion of Treaſon, and out of the Houſe.

And it was Ordered, *That Mr.* Wilmot *who ſerves for* Tamworth, *Sir* Hugh Pollard *Burgeſs for* Belraſton, Devon. *Mr.* William Aſhburnham *Burgeſs for* Luggerſhall, *and Mr.* Henry Piercy, *Knight of the Shire for* Northumberland, *ſhall be diſabled from Sitting as Members in the Houſe of Commons, and that Mr. Speaker direct his Warrants to the Clark of the Crown to iſſue out Writs for new Election of perſons to ſerve in Parliament in their places.*

Decemb. 1641.

Captain *Legg* ſent for as a Delinquent.

It was alſo Ordered, *That Captain* Legg *ſhall be ſent for by the Serjeant at Arms attending this Houſe, as a Delinquent.*

Friday, Decemb. 10. Parliament diſpleaſed at a Guard, becauſe not of their own appointment.

There being this Day a Company of Watchmen, with Halberds about the Parliament Door, It was moved that *ſome of them might be called in, to know who did command them to come, and by what authority, and to what purpoſe they come*: Hereupon, two of the Conſtables were brought in and demanded *the Reaſon why they came thither*: They ſaid, *They came by virtue of a Warrant from the High Conſtable to be ready this Day to attend the Houſes of Parliament, becauſe of a Riot is likely to be in* Weſtminſter. Whereupon it was Ordered, *That the High Conſtable, and the Under-Sheriff do attend this Houſe preſently.*

In the Interim a Petition was delivered unto the Houſe by the Lord Marqueſs of *Hartford*, from the Loyal part of the Inhabitants of *Somerſetſhire*, concerning the Government of the Church, which was read preſently *in hæc verba.*

To the High and Honourable Court of Parliament now Sitting,

The Humble Petition and Remonſtrance of the Knights, Gentry Clergy, Free-holders and Inhabitants of the County of Somerſet.

Humbly Sheweth,

The *Somerſet*-Shire Petition for Epiſcopacy and the Liturgy, preſented to the Lords by the Marquiſs of *Hertford, Decemb.* 10. 1641.

That having with grief of Mind heard of ſundry Petitions been Exhibited to this Right Honorable Aſſembly, by ſome of the Clergy and Laity about London, *and ſome Counties, tending to the Subverſion of the Church Government Eſtabliſhed in this Kingdom: We therefore tendring the Peace and Welfare of both, do in all humbleneſs preſume to make known our Opinions and Deſires concerning the ſame: Nothing doubting of the like good acceptance of our humble Petition and Remonſtrance in this behalf; being tendred with no leſs good Affection to the Peace and Happineſs of the Church, the Proſperity of his Sacred Majeſty, and this whole Kingdome.*

For the preſent Government of the Church we are moſt Thankful to God, believing it in our hearts to be the moſt Pious, and the Wiſeſt, that any People or Kingdom upon Earth hath been bleſt withal ſince the Apoſtles dayes: Though we may not deny, but through the frailty of Men, and Corruption of Times, ſome things of ill Conſequence, and others needleſs, are ſtollen or thruſt into it, which we heartily wiſh may be reformed, and the Church reſtored to its former Purity: And to the End it may be the better preſerved from preſent and future Innovations, we wiſh the wittingly and maliciouſly guilty of what Condition ſoever they be, whether Biſhops or other inferior Clergy, may receive condign puniſhment. But, for the miſcarriage of Governors, to deſtroy the Government, we truſt it ſhall never enter into the hearts of this Wiſe and Honorable Aſſembly.

We will not preſume to diſpute the Right of Epiſcopacy, whether it be Divine or not; it ſufficeth us to know, That the Church Government by Biſhops is ancient, even near to the Apoſtles Days: and that it hath pleaſed God from time to time, to make them moſt Glorious Inſtruments for the Propagation and Preſervation of Chriſtian Religion, which with their

Blood they have frequently ſealed to Poſterity. And how much this Kingdom in particular is indebted to them, for their Piety, their Wiſdoms, and Sufferings we truſt ſhall never be forgotten. Our Hearts deſire therefore is, That the Precious may be ſeparated from the Vile, that the Bad may be rejected, and the Good retained.

Furthermore, having heard, that our Common Prayer hath been interrupted, and deſpiſed of ſome miſ-underſtanding or miſ-led People, to the Great Scandal of the Religion profeſſed in our Church; We humbly beſeech you to take into your Care the Redreſs thereof, as of an Impiety not to be endured; as alſo to take Order for the ſevere puniſhment of thoſe Men, if they may be diſcovered, who frequently publiſh Pamphlets, under a Veil of Religion, yet conducing to Confuſion and Rebellion.

All which, we humbly offer to your Wiſdoms, as the thoughts and deſires of this County, and as we are perſuaded of multitudes of ſound Members of the Church of England, *and his Sacred Majeſties moſt Loyal Subjects.*

Beſeeching God, to direct and proſper your Counſels, and ye to pardon our Errors, we reſt At your Commands.

Knights, Eſquires, Divines, Gentlemen, Free-holders, Inhabitants of the County of Somerſet, *none of them Papiſts; but all Proteſtants of the Church of* England, *and his Majeſties Loyal Subjects.* ———— } 14350.

Whereof Knights, Eſquires, and Gentlemen ———— 200

Divines ———— 221

Jo. Browne *Cler. Parliament.*

After which the *Huntingtonſhire* Petition to the ſame Effect, which had been tendred to the Houſe upon *Wedneſday* the 8*th* of *December*, but then laid aſide, was alſo read.

The High Conſtable and Sheriff, queſtioned concerning the Guards.

This being done, the High Conſtable, who was ſent for to attend the Houſe, was brought in, and asked *by what Authority he gave Order for the Watchmen to Guard this Houſe?* Who anſwered, *That he received Order from the Juſtices of the Peace.*

Then the Under-Sheriff of *Middleſex* was called in, and demanded *by what Warrant the Watch-men are here?* he ſaid he *had received a Warrant from the Juſtices of Peace of* Middleſex, *which they ſent forth by virtue of the Kings Writ directed to them, for preventing of Riots, Routs and unlawful Aſſemblies, according to the Statute of* 2 H. 5.

Whereupon the Houſe appointed the Lord Chamberlain, Lord *Wharton*, Lord *Brook*, and Lord *Roberts*, to go into *Weſtminſter-Hall*, and *other places near this Houſe, to ſee what Company there is, whether any unlawful Aſſemblies or Routs there*; and theſe Lords Reported, *That there was no Face of any Routs or Aſſemblies, nor any greater Number of People then Uſually.*

Whereupon the Houſe diſcharged the Guards in the King's Name. And in regard it appeared, that it was the precipitation of the Juſtices, that Cauſed theſe Men to come, by virtue of their Warrants; It was Ordered, *That thoſe Juſtices of the Peace for* Middleſex *and* Weſtminſter *that ſubſcribed the Warrant, be ſent for to attend the Houſe to morrow, to give a Reaſon, why they ſent forth thoſe Warrants, and what induced them to believe, That there would be a Tumult this day in* Weſtminſter.

Decemb. 1641.

This day *Inigo Jones* Eſq; appeared before the Lords, according to an Order of their Lordſhips, to hear the Declaration read, which was brought up againſt him from the Houſe of Commons, which was read in his preſence *in hæc verba.*

The Declaration of the Commons upon the Complaint, and in the behalf of the Pariſhioners of St. Gregories, London, *againſt* Inigo Jones *Eſquire.*

The Declaration of the Commons, againſt *Inigo Jones*, concerning St. *Gregories* Church by St. *Pauls.*

“ THE Pariſh Church of St. *Gregories*, adjoyning to the Cathedral
“ Church of St. *Paul's* in *London* aforeſaid, is, and, from the time
“ whereof the Memory of Man is not to the contrary, hath been the
“ Pariſh Church for the Inhabitants of that Pariſh, lately computed to be
“ 3000 perſons, for the adminiſtration of Divine Service and Sacraments.
“ The ſaid *Inigo Jones*, being Surveyor of His Majeſties Works, and
“ particularly thoſe to be deſigned for the re-edifying of the ſaid Church
“ of St. *Pauls*, would not undertake the Work, unleſs he might be, as
“ he termed it, the *Sole Monarch*, or might have the Principality thereof,
“ conceiving that the Work would not well be done, without pulling
“ down the ſaid Church of St. *Gregories*, preſented a Plott to his Majeſty
“ accordingly. The ſaid *Inigo Jones*, having preſented the ſaid
“ Plott, his Majeſty hereupon ſignified his Pleaſure, and in purſuance
“ thereof, ſeveral Orders alſo were made at the Council-Board, That the
“ ſaid Church ſhould be taken down by the Pariſhioners, for the more
“ convenient Repairing of the Cathedral Church of St. *Pauls*; which
“ the Pariſhioners refuſing to obey, as was lawful for them to do, the
“ ſaid *Inigo Jones*, in Execution of the Plot, and Deſign by him preſented
“ as aforeſaid, and of his Majeſties ſignification, and the Orders at the
“ Council-Board thereupon had; in or about *March*, 1639, did pull
“ down, and cauſed to be pulled down part of the ſaid Church, and did
“ alſo threaten, *That if the Pariſhioners would not take down the reſt of*
“ *it, then the Galleries ſhould be ſawed down, and with Skrews the Materials*
“ *of the ſaid Church ſhould be thrown down into the Street.* And
“ the ſaid *Inigo Jones* did further threaten the Pariſhioners, *That if they*
“ *did not take down the ſaid Church, they ſhould be laid by the Heels.*
“ Whereby the Pariſhioners being thus affrighted, and to ſave the Materials,
“ which not long before had coſt them 1500 l. were inforced to
“ take down ſome part of the ſaid Church, inſomuch, as it thereby was
“ made altogether uſeleſs: and the ſaid Pariſhoners to that great number
“ have been wholly deſtitute of any Place within their own Pariſh, for
“ the Publick exerciſing of Religion.

“ The Damages the Pariſhioners have hereby ſuſtained, is very great,
“ and the Charge of Re-edifying the ſaid Church, and reſtoring it, to as
“ good plight as it was in, before it was ſo wrongfully taken down, will
“ amount at the leaſt to 3000 *l.* all which the ſaid Pariſhioners are ready
“ to prove and Maintain.

“ For Remedy therefore, and Redreſs herein, and chiefly to the end,
“ that the ſaid Church of St. *Gregories* may be fully repaired, and reſtored
“ to the Plight and Condition wherein it formerly was, by and
“ at the Charge of him and them, by whoſe undue Means it was in
“ part taken down, or cauſed to be taken down as aforeſaid, It is deſired,
“ That ſuch Proceedings may be uſed and had againſt the Offenders
“ herein, as to Right and Juſtice doth appertain.

This

Decemb. 1641.

This being read the ſaid *Inigo Jones* deſired, *That he might have ſome time to anſwer by his Councel.*

Whereupon, It was Ordered, *That he have a Copy of the Declaration againſt him, and ſhall put in his Anſwer thereunto, on* Tueſday *come ſeven Night.*

The Commons were alſo in an extraordinary heat, about the Halberdeers, who were ſet to prevent Tumults and Riots, Routs and unlawful Aſſemblies, which now frequently reſorted to *Weſtminſter*, to cry out againſt the Biſhops, and their Votes in Parliament; ſome of the Halberdeers were called to the Bar, and Examined, and they giving the ſame Account, as was before given to the Lords, the Bailiff of *Weſtminſter*, the Conſtable of St. *Clement Danes*, and the Under-Sheriff of *Middleſex* were ordered to be ſent for, to give an Account of the Reaſon of placing thoſe Guards about the Parliament Houſe; And thereupon it was Voted.

Vote of the Commons, concerning the Guard of Halberdeers ſet about the Parliament Houſe.

Reſolved, &c. *That the ſetting of any Guards about this Houſe, without the Conſent of the Houſe, is a breach of the Privilege of this Houſe, and that therefore ſuch Guards ought to be diſmiſſed.*

And thereupon the Serjeant at Armes attending the Houſe was appointed to Command them to depart, which was done accordingly.

The Houſe then ſell into Debate concerning the treating with the *Scottiſh* Commiſſioners, concerning raiſing Men for the relief of *Ireland*, and upon the Queſtion it was

Reſolved, &c. *That this Houſe doth Approve and Conſent, that his Majeſties Commiſſioners named by the Houſe, and appointed to treat with the* Scotch *Commiſſioners, ſhall treat with them for the raiſing of* 10000 Scots, *for the Occaſions of* Ireland.

Sir *Walter Earl*, then gave Information to the Houſe of ſome dangerous Words ſpoken by ſeveral Perſons, but did not Name them, whereupon it was Ordered, *That Mr. Speaker ſhould iſſue out a Warrant, to apprehend ſuch Perſons, as Sir* Walter Earl *ſhall nominate to him, for ſpeaking Words of a dangerous Conſequence.*

This was one of the common Arts which they uſed to reſtrain thoſe who were able, from informing the People of the dangerous Conſequences of their own Proceedings; and Liberty of Speech ſeemed now to be wholly confined within the Walls of St. *Stephen*'s Chappel; or if any of that common Privilege of Mankind was indulged, it was only to the Favourites of the Faction, the Sectaries and Schiſmaticks, who they were aſſured would be very ſerviceable to them in imploying that Liberty, to traduce and Calumniate the King, the Biſhops, the Government of the Church, and whatever was either Orthodox or Loyal; but for others, if they once dared to Intrench upon the Privilege of the Pretended Sects, or to correct thoſe Liberties they took to defame the King and his Miniſters, the Church and her Governors, or to arraign any of the violent Proceedings of the Faction, theſe Religious Spies and Setters, immediately gave Informations againſt them to ſome of the Members of the Commons; and theſe Men had a certain deviſe to puniſh Men, who had tranſgreſſed no known Law, for Crimes which would not bear an Indictment, or the Teſt of a Jury of their Peers, by bringing them under the Rod of the Commons Houſe, for Words of dangerous Conſequence; for which conſtructive Offences, their Perſons were impriſoned and their Purſes fleeced by the Serjeant and his Offi-

Decemb. 1641.

cers, as if they had been the moſt notorious Malefactors. Such precious beginnings had this Dawning of the glorious Day, which they promiſed the People ſhould be nothing, but one continued Sun-ſhine of Liberty and Property, without the leaſt Cloud of Arbitrary or Exorbitant Government. But as a great Man ſaid upon another Occaſion in this preſent Parliament, *Miſera eſt ſervitus, ubi jus eſt vagum et incertum.* Where known Law ends, there Slavery begins. And where our Law knows not how to lay an Indictment; it muſt certainly be ſomething Arbitrary, that inflicts a Puniſhment. But this was the Caſe of Loyalty, Men were not only made Offenders for a Word, but for ſuch Words, as were juſtifiable by the Laws of God and Man.

His Majeſty whoſe Zeal for the Church was as Eminent, as his Piety and Devotion were ſingular and moſt extraordinary, obſerving what an Inundation of Schiſme and Errors, were flowing in upon the Church, the Pretence of Reformation letting looſe all the Schiſmaticks, who pretended to be the great Reformers; iſſued out a moſt Excellent Proclamation to prevent that Diſorder, Diviſion and Separation, which he too Prophetically foreſaw, would indanger the Subverſion of the very Eſſence and Subſtance of Religion. The Proclamation was as follows.

A Proclamation for Obedience to the Laws Ordained, for Eſtabliſhing of the True Religion in this Kingdom of *England.*

A Proclamation for Obedience to the Laws, for E-ſtabliſhing the true Religion in *England*, *Dec.* 11. 1641.

His Majeſty conſidering that it is a Duty moſt beſeeming, and that moſt obligeth Soveraign Authority in a Chriſtian King, to be careful, above all other Things, of preſerving and advancing the Honor and Service of Almighty God, and the peace and tranquility of the Church, to which end His Majeſty with his Parliament, hath it under Conſideration, how all juſt Scruples might be removed. And being in the mean time ſenſible, that the preſent Diviſion, Separation and Diſorder about the Worſhip and Service of God, as it is Eſtabliſhed by the Laws and Statutes of this Kingdom, in the Church of England, tendeth to great Diſtraction and Confuſion, and may endanger the Subverſion of the very Eſſence and Subſtance of true Religion; hath reſolved for the preſervation of Unity and Peace, which is moſt neceſſary at this time for the Church of England, to require Obedience to the Laws and Statutes Ordained for eſtabliſhing of the True Religion in this Kingdom, whereby the Honor of God may be advanced, to the great Comfort and Happineſs both of His Majeſty and his good Subjects.

His Majeſty doth therefore Charge and Command, That Divine Service be performed in this His Kingdom of England, and Dominion of Wales, as is appointed by the Laws and Statutes Eſtabliſhed in this Realm, and that Obedience be given by all His Subjects Eccleſiaſtical and Temporal, to the ſaid Laws and Statutes concerning the ſame. And that all Judges, Officers and Miniſters Eccleſiaſtical and Temporal according to Juſtice, and their reſpective Duties; do put the ſaid Acts of Parliament in due Execution againſt all willfull Contemners and Diſturbers of Divine Service, contrary to the ſaid Laws and Statutes.

His

Decemb. 1641.

His Majeſty doth further Command, That no Parſons, Vicars, or Curates in their ſeveral Pariſhes, ſhall preſume to introduce any Rite or Ceremonies, other then thoſe which are Eſtabliſhed by the Laws and Statutes of the Land.

Given at His Majeſties Palace of *White-Hall*, the tenth Day of *December*, in the Seventeenth Year of His Majeſties Reign.

God ſave the KING.

But the Root of the Schiſm lay too deep to be Cured by a Proclamation, and the Separatiſts knew, where to take Sanctuary, not only for their Diſobedience to the Laws made in ſavor of the Church, but of the Crown too, or otherwiſe they would not in ſuch riotous and Tumultuous Manner, againſt the Peace, and the Crown and Dignity of their Sovereign Lord the King, have Aſſembled by thouſands, under Pretence of Petitioning againſt Biſhops, Evil Counſellors, &c. as now they did.

Saturday, Decemb. 11.

The Lord Keeper this Day ſignified to the Houſe of Lords, *That His Majeſty had Commanded him, to deliver this Meſſage to both Houſes, That whereas formerly he had acquainted both Houſes, with the Deſire of the* French *Ambaſſador, That eight Romiſh Prieſts convicted at the Seſſions, might be Reprieved and Baniſhed at this time, becauſe it may concern the Buſineſs of* Ireland, *and that his Majeſty had deſired the Advice of both Houſes therein, of which his Majeſty hath not yet received any Anſwer; His Majeſty therefore puts the Houſe in mind thereof, and deſires an Anſwer, in regard that on* Munday *next is the Day for Executing of thoſe that are convicted, which are ſeven Prieſts, one of the eight being acquitted upon the Tryal.*

Upon which the Lords ſent a Meſſage by Sir *Edward Leech,* and Dr. *Bennet,* to deſire a Conference concerning this Matter, to which the Commons returned Anſwer, *That they will ſend an Anſwer by Meſſengers of their own in convenient time.*

The Bill for relief of Captives at *Algiers* paſſed the Lords Houſe.

The Bill Intituled, *An Act for the Relief of the Captives taken by* Turkiſh, Mooriſh, *and other Pirates, and to prevent the taking of others in time to come,* being read a third time, and put to the Queſtion, It was Reſolved, *To paſs as a Law.*

The Biſhops by their Councel adhere to their Plea and Demurrer.

This Day being appointed for the 13 Biſhops that are Impeached by the Houſe of Commons, for making the Canons and Conſtitutions, and for Granting a Benevolence contrary to Law, to make their Anſwers to the Impeachment, their Councel were called in, and the Impeachment was read. Then the Lord Keeper demanded of them, Whether the Biſhops will abide by their Plea and Demurrer, or make their Anſwers? The Councel Anſwered, That the 12 Biſhops do reſolve to adhere to their former Plea and Demurrer, only they have waved one Branch of their Demurrer, which was to the generality of the Charge, which appears to be particular.

Hereupon the Councel withdrew, and the Houſe Ordered, *That the Lords the Biſhops that are Impeached, ſhall be heard by their Councel on* Monday *next, touching the Maintaining of their Plea and Demurrer, and that the Houſe of Commons have Notice herein, that they or ſome of their Members, whom they ſhall appoint, may be preſent if they pleaſe.* And to this purpoſe a Conference was ſent to be deſired, by Serjeant *Whitfield*, and Serjeant *Glanvile*.

Then the Lord Lieutenant of *Ireland* produced a Paper which was given by the *Scots* Commiſſioners to the *Engliſh*, which being read, was in theſe words:

Out of the Senſe of our Duty we owe unto his Majeſty, and the true Affection which the Kingdom of Scotland *bears to the Kingdom of* England, *We are willing to contribute our beſt Aſſiſtance for the ſpeedy Relief of thoſe diſtreſſed Parts of* Ireland, *that lye neareſt us; Therefore in the Name of the Kingdom of* Scotland, *we make Offer of* 10000 *Men for that Service, which is conceived to be the leaſt Number can be, for ſecureing themſelves, and reducing the Rebels in the* North *of* Ireland, *to the due Obedience of his Majeſty and the Crown of* England.

This Offer is upon ſuch particular Conditions, as in the Progreſs of this Treaty we ſhall agree upon, which may be for the Honor of our Nation, and the Safety and Good of the Army imployed in the Service.

This being done, the Lord Lieutenant declared, *That his Majeſty being made acquainted with this Propoſition, was willing they ſhould Treat for* 10000 *Men, the Houſe aſſented to give Power to the Commiſſioners to Treat accordingly.*

The Commons fell this Day upon the Matter of the Guards; and the Juſtices of the Peace for *Middleſex* being called in, and demanded *by what Warrant or Authority they cauſed thoſe Guards to be ſet?* they made Anſwer, *That what they had done in this Matter, was in Obedience to his Majeſties Warrant to them directed.*

Then the Under-Sheriff was called in and Examined alſo concerning the ſetting of the Guards, who affirmed, *That the Writ was granted forth by direction of the Houſe of Lords, and with the Advice of the Judges.*

Mr. *Long* a Juſtice of the Peace, ſent to the Tower about the ſetting of a Guard without the Conſent of the Parliament.

They being withdrawn, upon the Debate of the Matter, the ſtorm for the preſent fell only upon Mr. *Long* who had ſigned the Warrant for the Guards; and the Queſtion being put, *Whether Mr.* Long *ſhould be put out of the Commiſſion of the Peace?* The Houſe was divided upon it, with the *No* were 94, with the *Yea* 90, ſo it paſſed in the Negative; and he was by the Vote of the Houſe ſent to the *Tower*, *For that He the ſaid Mr.* Long *in his Warrant, had exceeded the Authority given him by the Writ; and had directed Conſtables, and Sitting the Parliament had ſent down Armed Men to the Parliament, never acquainting the Parliament with it.*

A Committee was alſo appointed to Examine the buſineſs concerning the raiſing and ſending armed men to the Pallace at *Weſtminſter*.

The Meſſage from the Lords about the King's deſire to know the Anſwer of the Parliament concerning Baniſhing the Condemned Prieſts at the Requeſt of the *French* Embaſſador was read, and it was ſingly Voted upon theſe following,

Prieſts voted to be Executed.

Reſolved, That Hamon, Jo. Rivers, *alias* Abbot, Walth. Coleman, *and* Turnor, *Prieſts, ſhall be put to Execution according to the Laws.*

Sir *Phillip Stapleton* Reported, *That the* Scots *Commiſſioners had ſhewed their Authority to Treat to Aſſiſt us with* 10000 *Men, upon ſuch Conditions as ſhould be agreed; We told them, Upon this Propoſition we could not Treat with them, for that our Commiſſion was only to Treat for* 5000 *Men;*

Decemb. 1641.

Men; They wiſhed us to acquaint the King with it; ſo according to our Duty we waited on his Majeſty, who Expreſſed a great deal of Deſire and Affection in the furthering of this buſineſs, *and ſaid he had referred it to the Parliament, and would grant a Commiſſion to treat with them for* 10000 *Men.* Whereupon the Houſe aſſented to it.

A Petition of ſome Aldermen and Common Council-men, and Subſidy Men of the Factious part of the City of *London* and Suburbs was this day preſented to the Houſe of Commons; which being read, the Petitioners were called in, and Mr. *Speaker* in the Name and by the Order of the Houſe acquainted them, *That the Houſe took their Petition in good part, and returned them Thanks for their Reſpects to this Houſe, and readineſs to ſupply the Publique; and that in convenient time the Houſe will take their Petition into Conſideration.* Some of them then deſired they might have leave to ſpeak ſomething to the Houſe; whereupon they were ordered to withdraw, and the Houſe upon the Debate having reſolved to hear them, they were called in, and Mr. *Speaker* acquainted them, *That the Houſe was pleaſed to give them leave to ſpeak what they had to ſay.* Whereupon one of them in the name of the reſt deſired to know, *Whether they might get more hands to the ſame Petition;* Then they were commanded again to withdraw, and after a little time being called in, Mr. *Speaker* told them, *That the Houſe did believe what was delivered in their Petition already; but that notwithſtanding they were left at liberty to get more hands if they pleaſed.* After which, having returned humble Thanks to the Houſe for their good acceptance of their Petition, they were diſmiſſed. The Petition was this;

To the Honorable, the Knights, Citizens and Burgeſſes of the Houſe of Commons in Parliament,

The Humble Petition of Aldermen, Common Council men, Subſidy-men, and other Inhabitants of the City of London *and Suburbs thereof.*

Sheweth,

The Factious *Londoners* Petition againſt Biſhops Votes, for putting the Kingdom into a poſture of Defence, &c. *Decemb.* 11. 1641.

That they do with all humble Thankfulneſs acknowledg that great Labour and Care, which this Honorable Aſſembly hath undergone for the ſpace of above one whole Tear, endeavouring the Reformation, and removal of thoſe many Preſſures and Grievances in Church and Commonwealth; And do humbly preſent that grateful acceptance and high Eſteem, which not only the Petitioners, but alſo all well-affected to the Honor of his Majeſty, and Proſperity of this Kingdom, have of theſe your great and unwearied Endeavours, which althô they, by reaſon of the Popiſh Lords and Biſhops Voting in the Houſe of Peers, and other Impediments, as they humbly conceive, have not hitherto produced thoſe happy Effects Tou aimed at; yet to the Petitioners great Comfort, divers of thoſe Preſſures are already removed; as Arbitrary Courts, Ship-Money, Monopolies, and other illegal Impoſitions wherewith they were burthened, and further hopes given, by the happy Act *of this* Parliaments *continuance.*

That, notwithſtanding all this, the Papiſts and their adherents, whoſe malice ceaſeth not, have by ſundry ſecret and deſperate Plots, attempted the Ruin and Deſtruction of this State and Kingdom; and however ſome of them

them have hitherto, by Gods Providence and your Prudence, been diſcovered, and become abortive ; Yet the ſad Effects of others of them, are not only felt, and much more feared in this Realm of England, *but alſo have of late broke out into open Rebellion in* Ireland, *where moſt barbarous, ſavage, cruel, and inhumane actions are practiſed towards our Brethren by Nation and Religion, whoſe lamentable and deplored Condition the Petitioners much pity and lament, and have juſt cauſe to fear, That as already there hath been much Chriſtian blood ſpilt, ſo in ſhort time, if ſpeedy help be not ſent, not only the many great Debts there owing to divers of the Petitioners and others of this Kingdom, will be wholly loſt, but, which is far more, the very Name of the* Engliſh *and Proteſtant Religion there, will be rooted out, which thoſe Rebels, the Foundation of whoſe Religion is written in letters of blood, do only oppoſe*

And for that divers of the Petitioners, receive daily Information from all Parts of this Kingdom, of the bold inſolent Carriage, and threatening ſpeeches of the Papiſts in this Realm, ariſing as the Petitioners humbly conceive, not only from the prevailing of the Rebels in Ireland, *but alſo from the want of ſuch ſecure and ſpeedy Courſe againſt Papiſts here, as the preſent condition of this Kingdom requireth, and this Honorable Aſſembly hath Earneſtly Endeavoured.*

From which grounds, the Petitioners cannot omit to repreſent unto you, the great Terrors, Fears and Diſtractions, that they lye under, of a ſuddain Surprize by their Bloody hands ; By means whereof the Trading of this City and Kingdom is much more of late decayed, then it hath been for divers Years paſt, no man following his Trade cheerfully, while the Lives of himſelf and Family, and the Publique Safety of the Kingdom are in danger ; and while he knoweth not how ſoon they may feel the like Cruelty and Inhumanity, from the Papiſts and their Adherents, as theſe in Ireland *have done ; which if ever it ſhall happen, this Honourable Aſſembly muſt Expect to have a deep ſhare in their Malice and Cruelty, againſt whom they have already, by themſelves and their Abettors, endeavoured to raiſe a diſreſpect in the Hearts of the People, to divide between the Kings Majeſty and his Parliament, and ſeditiouſly to miſconſtrue the Citizens Dutiful and Loyal Entertainment of his Majeſty to be a deſerting of this Honourable Aſſembly, the leaſt thought whereof, the Petitioners do utterly deteſt and abhor.*

To the End therefore, that the deſtructive Plots of the Papiſts and their Adherents may be defeated, the grounds of their Hopes, and Inſolencies removed, conſiderable Forces with all Expedition ſent to ſubdue thoſe abominable and bloody Rebels in Ireland ; *this City and Kingdom, for prevention of the like Miſchiefs here, and ſecuring the Peace thereof, put into a Poſture of Defence, the Petitioners freed from their Fears, encouraged in their Trades, and in due time receive ſuch juſt Anſwers to their former Petitions, as ſhall ſeem beſt to your great Wiſdoms.*

It is humbly prayed, That you will vouchſafe to be a means to the Kings Majeſty and the Houſe of Peers, that life may be ſpeedily given to your good Endeavours, by their concurrence with you in the puniſhment of Delinquents, and redreſſing the Preſſures and Grievances in Church and Commonwealth (amongſt which the abuſes crept in to the Ancient Government of this City, they humbly deſire may in due time be taken into Conſideration :) And for the better Effecting hereof, That the Popiſh Lords and Biſhops may be removed out of the Houſe of Peers, as was deſired in the preſence of divers of this Honorable

Aſſembly, by the Repreſentative Body of this City in the Guild-Hall, *when* 50000 l. *was freely lent, to raiſe Forces for* Ireland, *the greateſt part whereof was ſpeedily brought in by the Petitioners.*

> *And the Petitioners who well know their own Safeties are wrapt up in Yours, ſhall not fail to put up daily Prayers to Almighty God for your good Succeſs, and to maintain and defend, to the utmoſt hazard of their Lives and Eſtates, according to their late Proteſtation, the Kings Majeſty, and High Court of Parliament, againſt all Wicked Councellors, and Malignant Oppoſers, who endeavour, either by ſecret Plots, or open Force, to prejudice the one or the other, or to make diviſion between his Majeſty and the Parliament, whom God and the Laws of the Land, have united in ſo near Relation.*

The Reader may obſerve by this Petition, which it is eaſie to gueſs out of what Quiver the Arrow came, how high the Springs of Rebellion were wound up; here are Popiſh Lords and Biſhops coupled together; here are the Papiſts and their adherents, that was, all ſuch as were Orthodox and Loyal, Voted the Common Enemies; here are Fears, Terrors and Diſtractions, Plots and Conſpiracies, Dangers and ſudden Surprizes, to amaze the People; here's the Kingdom to be put into a poſture of Defence, and a Proteſtation to aſſiſt the Parliament againſt all wicked Counſellors and Malignant Oppoſers, to the utmoſt hazard of Life and Eſtate; ſo that there wanted only an occaſion to break out into actual Arms and open Rebellion, if theſe Requeſts were not Granted. This was the way of Petitioning of that time.

For the Faction now began to be bold and daring, and under the Countenance and Protection of their Patriots in the two Houſes, to affront the Government in the moſt Inſolent Manner imaginable, and under the Pretence of Petitioning the Commons to gather together in ſuch tumultuous Routs and Riots, as if they would bid open Defiance to the King and the Laws; and in truth, ſuch an Aſſembly as upon this Occaſion met at *Blackheath*, to ſubſcribe ſuch another Petition, threatning what they would do, if the Biſhops, &c. were not thrown out of the Lords Houſe, would in any other Age have been reputed a plain Rebellion, as in truth it was a Prologue to it, and a kind of general Muſter of the Strength and Effective numbers, which the ſeveral Tribes of the Schiſmaticks were able upon Occaſion, at the Beat of their Pulpit or Petition Drums, to bring into the Field againſt the King, the Laws, and the Eſtabliſhed Government. It was upon the Notice of theſe Tumultary Proceedings and Threatnings, that the Guards were raiſed and placed about *Weſtminſter*, which the Faction in the two Houſes, who knew by Experience the uſe of theſe Tumults, took ſo hainouſly; and leſt the Well-Affected ſhould meet any diſcouragement in this *Scottiſh* Presbyterian Way of Reformation, and fall into the Hands of the Law and Juſtice, they reſolved to tye the Hands of Juſtice behind her, and to bind the Laws to the Peace and Good Behaviour, which otherwiſe would have handled theſe Petitioners very ſeverely with *Riotoſe's* and *Routoſes, contra pacem Domini Regis.* And therefore for fear of the Worſt, It was Ordered in the Houſe of Commons, *That the Under-Sheriff of* Surrey *be injoyned, not to ſuffer any Proceedings to be made upon an Inquiſition, that concerns any Perſons that met to ſubſcribe a Peti-*

Tumultuary Petitioning incouraged and protected by the Faction in the Commons Houſe.

tion to be preferred to this Houſe, till he ſhall receive further Order from the Houſe.

And in truth the Faction in the two Houſes carried all before them, with that Violence and Impetuoſity, that many both of the Lords and Commons ſeeing themſelves unable to do any thing, towards cooling their Heats or abating their Rigors, and that who ever did in the leaſt oppoſe their Proceedings, inevitably drew upon himſelf ſome furious Vote or a Priſon, as a mark of their Diſpleaſure, withdrew themſelves from the Parliament, which as it gave the Faction great Encouragement, ſo likewiſe it gave them opportunity to do what they pleaſed without control. His Majeſty taking notice thereof, iſſued forth the following Proclamation, to command their Attendance who were abſent, as follows.

By the KING.

A Proclamation for the Attendance of the Members in both Houſes in Parliament.

A Proclamation for abſent Members to attend the Parliament *Dec.* 12. 1641.

His Moſt Excellent Majeſty having Summoned this preſent Parliament, in His princely Care of the good and Welfare of His loving Subjects; In the continuance of the ſame Care, doth with Advice of His Privy Council, by this His Royal Proclamation, declare His Royal Will and Pleaſure to be; That all the Members of both Houſes of Parliament, do repair to the Parliament at Weſtminſter, at, or before the Twelfth of January next, and give their due and diligent Attendance in Parliament: To the end that this Kingdom may fully injoy the Benefit and Happineſs which His Majeſty intendeth unto them by Summoning, and continuing of this Parliament: And of his Majeſties Will and Command they are to take Notice by this his Proclamation, and to give a juſt Obſervance thereunto, upon ſuch pains and penalties as by Law and Juſtice may be inflicted upon them.

Given at His Majeſties Palace of *White-Hall*, the Twelfth day of *December*, in the ſeventeenth year of his Majeſties Reign.

God ſave the KING.

Monday, Decemb. 13.

The Lords at a Conference this day with the Commons, agreed, *That the* Engliſh *Commiſſioners ſhould have power to Treat with the* Scottiſh *Commiſſioners, for the Raiſing of* 10000 *Men for the Service of* Ireland; The Commons alſo informed the Lords, *That they had taken the Requeſt of the* French *Ambaſſador concerning baniſhing the Seven Condemned Prieſts into conſideration, and deſire the concurrence of their Lordſhips, that Execution may be done upon five of them,* viz. *upon* Hamond, Rivers *alias* Abbot, Walter Coleman *alias* Colmer, Francis Tornam *alias* Winmore, *and one Frier*: Whereupon it was upon the Debate in the Lords Houſe Reſolved to have a Conference, *To know the Reaſons that induced the Commons to be of Opinion, that five ſhould be Executed, and two Saved.*

In the Commons Houſe Mr. *Glyn* Reported the Conference concerning

Decemb. 1641.

ing the 13 Biſhops that ſtood impeached; that the Lord Keeper ſaid, *That the Biſhops Council inſiſted ſtill upon the Plea and Demurrer; and that they took exceptions to the laſt Conference, becauſe there was delivered to the Reporter of the Lords Houſe, the Arch-biſhop of* York, *a Paper intituled,* A Report made by Serjeant *Wild*, from the Committee for the 13 Biſhops: *He ſaid, he conceived for his part, that it was the Vote of the Houſe, but to ſatisfie that Objection, deſired to know the Anſwer of the Houſe. I told his Lordſhip, it paſſed the Vote of the Houſe, and that Paper was but as a* Memorandum *to the manager of that Conference, and delivered by him at that time to the Reporter of the Lords Houſe, to enable him to Report; but did not conceive this Vſe would have been made of it, or that it ſhould have been ſhewed to the Biſhops Council.*

Tueſday, Decemb. 14. Several invidious things propoſed by the Commons at a Conference, *viz.* a Declaration againſt Tolleration of the Romiſh Religion, *&c.*

The Lord Keeper Reported this day the Conferences Yeſterday with the Commons, *That divers Papers were read, brought from the Houſe of Commons.*

The firſt Paper conſiſted of Motives, which induced the Houſe of Commons to make their particular Requeſts.

The ſecond Paper, was the deſires of the Houſe of Commons, That the Lords would joyn with them in an humble Petition to the King, againſt Toleration of the Romiſh *Religion in* England *and* Ireland; *and that his Majeſty would make a Declaration to this purpoſe.*

The third Paper was a draught of a Declaration to that purpoſe.

The Fourth Paper was a Declaration to be made by the Queen upon the Petition of both Houſes to His Majeſty, to perſwade her thereunto, That for preventing of all Scandalous Reports and Apprehenſions of the Queens Majeſty, as if ſhe had or would favour and incourage the Rebels in Ireland, *His Majeſty would be graciouſly pleaſed to adviſe and procure Her Majeſty, that by her conſent and direction, it may be publiſhed and declared, That Her Majeſty doth Abhor, and Deteſt the Perfidious and Traiterous proceedings of the Rebels in* Ireland.

A Certificate from the Lords Juſtices of *Ireland*, for contribution to the poor Proteſtants.

The Fifth Paper was a Certificate from the Council of Ireland, *ſhewing, That foraſmuch as the City of* Dublin *is not able to entertain and nouriſh ſuch Multitudes of diſtreſſed poor People, who are ſtripped of all they have by the Rebels; they thought fit to take up the Men, to imploy them in His Majeſty's Service, in the Wars there; and to cauſe the Women and Children to be Tranſported by Ship into* England; *and do recommend them to the Charity of all good Chriſtians, deſiring them, that they will take ſome Commiſeration of their Diſtreſs and great Neceſſity, and extend ſome Relief towards them by making Contributions, which Contributions they deſire may be reſerved, and ſuch a Courſe taken, as that it may be ſure to be imployed only to the Relief of the poor diſtreſſed People.*

William Parſons,
Dublin Nov. 15. 1641. *Jo. Borlaſe.*

R. Bolton, Canc. *Ormond*, *Oſſory*, *Jo. Temple.*

Motion for a Faſt for *Ireland*.

The Sixth Paper was, That the Houſe of Commons out of a deep ſenſe of the Calamity of our Country-men, and Brethren of Ireland, *and conſidering how all Succeſs and Proſperity depends upon the Bleſſing and Favour of God, do deſire their Lordſhips to joyn with them in Petitioning his*

Majeſty, That there may be a publick Faſt throughout the Kingdom, and that His Majeſty will be pleaſed to appoint a near day for the ſame, to be kept by both Houſes of Parliament, and the City of London, *and the adjacent Parts; and one other Day for other remote Parts of the Kingdom; and becauſe they have received a Certificate from the Lords Juſtices, and others of His Majeſties Council in* Ireland, *concerning the miſerable Want, and Diſtreſs of the poor* Engliſh, *being divers Thouſands of all Qualities and Sexes: That the Houſe of Commons for the Relief of the Perſons aforeſaid have appointed a Collection in their own Houſe, to be made on* Thurſday *next; and they deſire their Lordſhips to Order the like for their Houſe; that by the Example of Parliament, the like Collection may be made in all the Parts of the Kingdom upon the Day of the Faſt, and the Money gathered, to be diſpoſed in ſuch manner, by ſuch Commiſſioners as ſhall be appointed by both Houſes, for the Succour and Relief of theſe poor diſtreſſed People of* Ireland.

The King came this day to the Houſe of Lords, and being ſate in the Chair of State, he commanded the Houſe of Commons to be ſent for, who being come with their Speaker, the King made this Speech to both Houſes of Parliament as followeth.

My Lords and Gentlemen,

The King's Speech to the two Houſes concerning *Ireland, &c.* Dec. 14. 1641.

THe laſt time I was in this place, and the laſt thing that I recommended unto you was the buſineſs of Ireland; *whereby I was in good hope that I ſhould not have needed again to have put you in mind of that buſineſs. But ſtill ſeeing the ſlow proceedings therein, and the daily diſpatches that I have out of* Ireland, *of the Lamentable Eſtate of My Proteſtant Subjects there, I cannot but again earneſtly commend the Diſpatch of that Expedition unto you; for it is the chief buſineſs that at this time I take to heart, and there cannot almoſt be any buſineſs that I can have more care of.*

I might now take up ſome of your time in expreſſing My deteſtation of Rebellions in general, and of this in particular. But knowing that Deeds and not Declarations muſt ſuppreſs this great Inſolency, I do here in a word offer you whatſoever My Power, Pains or Induſtry can contribute to this good and neceſſary Work of reducing the Iriſh *Nation to their true and wonted Obedience.*

And that nothing may be omitted on My part, I muſt here take notice of the Bill for Preſſing of Soldiers, now depending among you, My Lords: Concerning which, I here Declare, that in caſe it come ſo to Me, as it may not infringe or diminiſh My Prerogative, I will paſs it. And further ſeeing there is a diſpute raiſed (I being little beholding to him, whoſoever at this time began it) concerning the bounds of this Ancient and Undoubted Prerogative; to avoid further debate at this time, I offer that the Bill may paſs with a Salvo Jure *both for King and People, leaving ſuch debates to a time that may better bear them. If this be not accepted, the fault is not Mine that this Bill paſs not, but theirs that refuſe ſo fair an offer.*

To conclude, I conjure you by all that is or can be dear to you or Me, that laying away all diſputes, you go on cheerfully, and ſpeedily for the reducing of Ireland.

Decemb. 1641.

Exceptions taken at the King's Speech.

His Majeſty having ended his Speech, departed, and the Commons went to their Houſe, The Lords conceived, that the Fundamental Privileges of Parliament have been broken by the King's taking Notice in his Speech this Day of the Debate in this Houſe, of the Bill for Preſſing of Soldiers.

Nor were the Commons leſs moved then the Lords for as nothing was more welcom to the Faction then any matter, with which they might charge the King, as intrenching upon their Priviledges ; ſo they greedily laid hold upon this occaſion ; and after they had Voted it a breach of Priviledge, for the King to take notice of a Bill that is paſſing, before it be preſented to His Majeſty by the Conſent of Lords and Commons, as likewiſe to preſcribe Savings and Limitations to any Bills before they be preſented ; a Meſſage was ſent up to the Lords by Mr. *Hollis*, to deſire a Conference by a Committee of both Houſes, ſo ſoon as may ſtand with their Lordſhips conveniency, touching a thing moſt precious to their Lordſhips and the Commons, the Priviledge of Parliament. To which the Lords aſſented, and the Conference being ended, the Lord Keeper Reported the Effect of it in theſe words.

Lord Keeper reports the Conference concerning Breach of Privilege by the King in his Speech.

That the Priviledges of Parliament have ever been placed in a high Eſtimation with both Houſes, and have been enjoyed with great Affection, not only as an Ornament, but as a Right, to have free Debate in matters of Parliament.

The Houſe of Commons ſay, That the occaſion of this Conference grows from ſomewhat that fell from the King this Day in his Speech, in full Parliament : they ſay his Preſence is an Occaſion of Joy, and would be ſo, if it were not for miſ-repreſentations of things Acted and Debated in Parliament ; which is againſt the Indemnity of the Lords and Commons, as 9.H. 4.

His Majeſty took notice of a Bill for the Preſſing of Soldiers, being in Agitation in the Houſes, and not agreed upon, and did offer a Salvo Jure, *or Proviſional Clauſe, to be added to the ſaid Bill by way of Limitation or Reſtriction ; and did alſo at the ſame time expreſs his diſpleaſure againſt ſome Perſon or Perſons, which had moved ſome Doubt or Queſtion concerning the Bound of Prerogative, which the Houſe of Commons declare to be a breach of the Fundamental Priviledges of Parliament.*

The Houſe of Commons do therefore deſire their Lordſhips would joyn with them in an humble Petition to his Majeſty, to take notice, that the Priviledge of Parliament is broken herein, and to deſire him, that it may not be done ſo any more hereafter.

After this matter had been debated by the Lords, it was Ordered, *That their Houſe will joyn with the Houſe of Commons in a Petition to His Majeſty herein :* And the Lord Arch-Biſhop of *York*, Earl of *Pembroke*, Earl of *Briſtol*, Earl of *Holland*, Viſcount *Say* and *Seal*, Epiſcopus *Durham*, Epiſcopus *Winton.* Epiſcopus *Roffen.* were appointed a Select Committee, to meet with a proportionable number of the Houſe of Commons, to conſider of the Breach of Priviledge of Parliament, and and to prepare ſome things incident hereunto, and preſent the ſame to the Houſe. This Committee to meet with the Commons on *Wedneſday* the 15*th* of this Inſtant *December*, at Nine of the Clock in the Morning in the *Painted-Chamber*.

The Committee appointed by the Commons to meet with the Lords, were, Mr. *Pym*, Serjeant *Wild*, Mr. *Glyn*, Mr. *Martin*, Mr. *Strode*, Sir *Hugh Cholmley*, Mr. *Hollis*, Mr. *Hampden*, Mr. *Sam. Brown*, Sir *Thomas Barrington*, Sir *Edward Rodney*, Sir *Thomas Bowyer*, Sir *William Armyn*, Sir *Francis Barnham*, Sir *Walter Earl*, Sir *Edward Aiſcough*, Sir *Philip Stapleton*, Sir *Anthony Irby*, Sir *William Lewes*, Mr. *Strangeways*, Sir *Robert Cooke*, Sir *Edward Montforte*, Sir *William Litton*, and Sir *Henry Ludlow*.

The Lord Keeper alſo Reported the Effect of two other Conferences had this day with the Commons. The firſt Conference conſiſted of two particulars.

Firſt, *Whereas a Propoſition was made by the* French *Ambaſſador, to the King for ſaving Seven* Romiſh *Prieſts, which were Convicted, and the Houſe of Commons preſented their Opinions to this Houſe, that five of thoſe ſeven Prieſts may be Executed, according to the Laws; Now the Houſe of Commons deſire their Lordſhips to joyn with them in an humble Petition to His Majeſty, that the Execution of the Laws may be done upon all the ſeven Prieſts, and that both Houſes would become Suitors to the King to take off the Reprieve.*

Next a Letter was read, ſent from one Parthington *in* Ireland, *written to Sir* John Clotworthy *Knight, ſhewing the great and barbarous Cruelties acted upon the Proteſtants in* Ireland *by the Rebels, as hanging of them, and pulling their Fleſh from their Bones; cutting off their Heads, Hands and Feet, ripping up of Women great with Child, and killing of Children, with divers other inhumane Acts.*

The ſecond Conference was touching the Declaratory part of the Bill for Preſſing of Soldiers, *That the Houſe of Commons conſents now to the Words,* [or Compelled] *that they ſhould be inſerted into the Preamble of the ſaid Bill, upon condition that theſe Words may be added* [except it be in Caſe of Neceſſity] *of the ſudden coming of an Enemy into the Kingdom.*

And laſtly, That the Houſe of Commons doth not intend to give any Reaſons for the fortifying of the Declaratory Cauſe, in the Preamble of the Bill for preſſing of Soldiers, it being a thing unuſual for them ſo to do.

Lord *Pierpoint* to the Black Rod, for ſome Words offenſive to the Lords.

It ſeems the Houſe of Lords was in great diſorder about the King's Speech, for the Lord *Pierpoint* in his Speech having ſaid, *That it was not Honourable for this Houſe to be in ſuch Noiſe and Tumult*; the Houſe conceived theſe words to be a great Offence to ſo Great and High a Court as this is; and being charged with the Words, he was Commanded by the Houſe to withdraw; but before he withdrew he deſired to explain himſelf, which he was permitted to do; and he profeſſed, he did not ſpeak the Words to give any Offence to the Houſe: His Lordſhip being withdrawn, the Houſe took the Offence done into Conſideration, and Ordered, *That the Lord* Pierpoint *ſhall be committed to the Cuſtody of the Gentleman-Uſher attending the Houſe for the preſent.*

After which the Houſe took into conſideration the Propoſition of the Commons, concerning the ſeven Prieſts, and it was upon the Queſtion, after much Debate, Reſolved by the major part, to joyn with the Commons in an humble Petition to his Majeſty, *That Execution of the Laws may be done upon all the 7 Prieſts that are Condemned, and that he will be pleaſed to take off his Reprieve.*

Memoran-

Decemb.
1641.

Memorandum, *The Lords the Biſhops withdrew themſelves, before the voting of this Queſtion, it being in* Agitatione cauſæ ſanguinis.

The Lord *Steward*, and the Lord Chamberlain were Ordered to attend the King from both Houſes, concerning the 7 Prieſts to be Executed as aforeſaid, and that his Majeſty will take off his Reprieve.

Moſt part of this day was ſpent by the Commons, about the Debates of the King's Speech, the Reſult of which the Reader hath already in the Conſerences with the Lords: but ſtill the Faction could ſpare little time to remember their Petitioning Friends of *Black-Heath*, who had run their Heads into the Nooſe of the Law, and a Commiſſion was gone out againſt them for an Inquiſition; upon which Occaſion as before they had warned the Under-Sheriff of *Surrey*, ſo this day produced an Order of the Commons to the Juſtices of the Peace of *Surrey*, not to proceed in any Inquiſition concerning any Perſons,that met to ſubſcribe a Petition to be preferred to this Houſe, till they ſhould recive further Orders therein from the Houſe.

Wedneſday, Decemb. 15.

This day the Lord Arch-Biſhop of *York*, reported from the ſelect Committee of both Houſes concerning the Privileges of Parliament, three Particulars, which the Committees think fit to be voted in both Houſes, as a Breach of the Privileges of Parliament; And alſo that a Declaratory Proteſtation be entred into by both Houſes, for the claim of thoſe Liberties, and this to be drawn up by the Committees.

Likewiſe the Committees think fit, that a Petitionary Remonſtrance, be preſented to His Majeſty from both Houſes declaring the Right of Parliament, to thoſe Privileges, and the Particulars wherein they have been broken, with an humble Deſire, that the like may not be done hereafter, and that his Majeſty will be pleaſed to diſcover the Parties by whoſe Miſinformation, and evil Council his Majeſty was induced to this Breach of Privilege, that ſo they may receive condign Puniſhment for the ſame; and that his Majeſty be further deſired to take no notice of of any Mans particular Speeches or Carriage, concerning any Matter Debated and Treated in Parliament; a Form whereof is to be drawn, and preſented to the Committee to Morrow Morning at Nine of the Clock. And that the Committees have appointed the Lord Arch-Biſhop of *York*, the Lord *Roberts*, Sir *Henry Vane*, Senior, Knight, Mr. *Hollis*, Mr. *Brown*, and Mr. *Pym*, to draw up the ſame accordingly.

This Report being made and taken into Conſideration, the three Particulars concerning Privilege were Voted, and it was,

Votes of the Lords and Commons concerning breach of Privilege by the King.

(1) Reſolved upon the Queſtion, *Nemine contradicente, That the Privileges of Parliament were broken by his Majeſties taking Notice of the Bill for ſuppreſſing of Soldiers, being in Agitation in both Houſes, and not agreed on.*

(2) Reſolved upon the Queſtion, *Nemine Contradicente, That his Majeſty in propounding a Limitation and Proviſional Clauſe, to be added to the Bill, before it was preſented unto him by the Conſent of both Houſes, was a Breach of the Privilege of Parliament.*

(3) Reſolved upon the Queſtion, *Nemine Contradicente, That his Majeſty expreſſing his Diſpleaſure againſt ſome Perſons, for Matters moved in the Parliament, during the Debate, and preparation of that Bill, was a Breach of the Privilege of Parliament.*

The ſame Votes were alſo paſſed in the Commons Houſe.

Then the Petition of the Lord *Peirpoint* was read as follows.

To the Moſt Honorable, the Lords of the High Court of Parliament.

The Humble Petition of *Henry* Lord *Pierpoint.*

Humbly Sheweth,

L. Pierpoint's Petition.

That whereas your Petitioner in heat of Debate, let fall ſome unfitting Words, which offended this Honorable Houſe, and drew upon him this Impriſonment, Your Petitioner humlly confeſſing the Juſtice of his Reſtraint, beſeecheth your Lordſhips Pardon, and paſs over this his Offence, and he ſhall ever acknowledge your Lordſhips favor herein.

H. Pierpoint.

Hereupon it was reſolved upon the Queſtion, *That the Lord* Pierpoint *ſhall be delivered out of his reſtraint this Night.*

In the Houſe of Commons, beſides the Debate concerning the Matter of Privilege, of which before in the Conferences and Votes of the Lords Houſe, ſeveral Propoſitions from the *Scottiſh* Commiſſioners were read, and upon the Queſtion aſſented unto.

They were preſented by Sir *Philip Stapleton,* in five Papers, in *hæc verba.*

Propoſitions from the *Scots* Commiſſioners, for 10000 Men for *Ireland.*

(1) *As in our firſt Propoſition, we made offer of* 10000 *Men, in the Name of the Kingdom of* Scotland, *for a further Teſtimony of Our Zeal to his Majeſties Service, and Reſpect and Brotherly Affection to the Kingdom of* England; *We declare, That we will upon the Charges of the Kingdom of* Scotland, *Levy and Tranſport thoſe Men, and not ſtand with our Brethren upon Conditions of Levy and Tranſport Mony, which we very well know is uſual in ſuch Occaſions, and could not in reaſon have been denyed us, and which will amount to a very conſiderable ſumm of Money.*

(2) *We deſire that there may be* 30000 l, *advanced to us, of the Brotherly Aſſiſtance, becauſe there are great Arrears due to our Soldiers, who will not willingly enter into a new Imployment, unleſs they be ſatisfied with what is reſting.*

(3) *We deſire, becauſe we cannot unfurniſh the Kingdom of* Scotland *of Arms Canon and Ammunition, That what Proportion of any of theſe we ſend with our Army, That ſo many and ſuch a Proportion of each kind may be preſently ſent into* Scotland *to remain there, till the return of what we take into* Ireland, *which we ſhall give Aſſurance ſhall be reſtored, we retaining ſo much of that, which ſhall be ſent into* Scotland, *as ſhall be loſt or ſpent of ours in the Service of* Ireland.

(3) *We deſire, That with all Expedition ſome Ships of War may be appointed to go to* Lothyan, *Port* Patrick *or* Ayr, *to Guard and Waſt over our Soldiers, whom we intend for Expedition, to Tranſport in ſmall Veſſels, and that theſe Ships ſhall attend at the Ports in* Ireland, *where we land, that they may be ſent over again into* Scotland, *to bring over to us, any neceſſaries left behind, and to go to, and again, betwixt thoſe Coaſts, to keep the Paſſage free for Going and Returning.*

(5) *We deſire, That for every* 1000 *Foot we ſend into* Ireland, *a* 100 *Horſe be in readineſs to joyn with them, and that theſe be ordered to receive*

receive Inſtructions and Orders, and in every thing to obey the Injunctions of our Commanders. This Propoſition was not fully Aſſented to, but referred back to the Commiſſioners, for the propounding a leſs proportion of Horſe.

(6) *By the Inſtructions ſent by both Houſes of your Parliament, to your Commiſſioners in* Scotland, *and which was ſent by his Majeſty from* Berwick, *to the Council there, they did beſeech his Majeſty to recommend to the Parliament of* Scotland, *that they would take into Conſideration the Matter of Wages and other Charges, as they would have done for themſelves.*

We in this think we could not make particular Agreement with our Troops, but deſire you would let us know, what entertainment, you give to your own Commanders and Soldiers, wherewith we ſhall be ſatisfied, and acquieſce to any Order you ſhall take with them, being willing to ſerve the Crown of England, *with the ſame Affection, and upon the ſame Terms, as if we were* Engliſh-*Men born.*

Sic Subſcribitur

A. Fullerton.

Houſe divided about Printing the Remonſtrance.

This Evening the Houſe ſate late, and Candles were voted in, and a very great Debate there was, concerning the Remonſtrance of the State of the Kingdom, which was preſented to his Majeſty at *Hampton-Court*, whether it ſhould be Printed or not, the Houſe was at the laſt divided upon it, with the Yeas, were 135. with the No 83. Whereupon it was Ordered, *That the Remonſtrance ſhall be forthwith Printed and Publiſhed.*

Thus did theſe Men treat this excellent Prince, with repeated Acts of Ingratitude, for his tranſcendent Acts of Grace, and were ſo far from being ſatisfied or contented, that the King had given them ſo much, that they advanced in Confidence to demand all. And indeed were, as the ſequel will make it plainly appear, reſolved to demand ſtill, till the King muſt be neceſſitated either to deny them, or diveſt himſelf of every thing but the ſhaddow of Imperial Majeſty and Power, that ſo they might have an Occaſion to break with him, and indeavour to wreſt the Reſidue of Sovereignty, which he had not parted with, by plain force out of his Hands.

Εἰκὼν Βασιλικὴ, cap. 5.

His Majeſty now began to feel the effects of that unparalell'd Act, for perpetuating this Parliaments ſitting during their own Pleaſure, and found in reality, that by this Act of the higheſt Confidence, by which he hoped, as he ſaith in his excellent Book, for ever to ſhut out and lock the Door, upon all preſent Jealouſies and future Miſtakes, ſome Men intended to ſhut him out of Doors himſelf, and that the permitting them to go up to the Pinacles of the Temple of Prerogative, gave them an irreſiſtible Temptation, to throw down his Majeſty and the Monarchy from thence, which fatal Act, though in his own Words, it was no Sin of his Will, yet was an Error of too charitable a Judgment.

By the Printing and Publiſhing of this Remonſtrance, his Majeſty evidently ſaw that their Deſign was to render his Perſon, Reputation and Government Cheap, Contemptible and Odious to his Subjects, and this put him upon Printing likewiſe his Anſwer to the Remonſtrance, and iſſuing out a Declaration to all his Loving Subjects, for his own Vindication. And here began the Paper-War between the King and Faction

Decemb. 1641.

of the two Houſes, in which they were plainly the Aggreſſors of his Honor, Dignity and Reputation, His Majeſty only ſtanding upon the Defenſive. The Anſwer to the Petition and the Declaration were in theſe Terms.

The King's Anſwer to the Petition which accompanied the Remonſtrance, as alſo the Declaration concerning it. Dec. 1641.

WE having received from you, ſoon after Our Return out of Scotland, *a long Petition, conſiſting of many Deſires of great Moment, together with a Declaration of a very unuſual Nature annexed thereunto, We had taken ſome time to conſider of it, as befitted Us in a matter of that Conſequence, being confident, that your own reaſon and regard to Us, as well as Our expreſs intimation by Our Comptroller to that purpoſe, would have reſtrained you from the Publiſhing of it, till ſuch time, as you ſhould have received Our Anſwer to it: But much againſt Our expectation, finding the contrary, that the ſaid Declaration is already abroad in Print, by Directions from your Houſe, as appears by the printed Copy: We muſt let you know that We are very ſenſible of the diſreſpect. Notwithſtanding, it is Our Intention, that no failing on your part, ſhall make Us fail in Ours, of giving all due Satisfaction to the Deſires of Our People, in a Parliamentary Way; And therefore We ſend you this Anſwer to your Petition, reſerving Our ſelf in Point of the Declaration, which We think unparliamentary, and ſhall take a Courſe to do that which We ſhall think fit in Prudence and Honor.*

To the Petition, We ſay; That although there are divers things in the Preamble of it, which We are ſo far from admitting, that We profeſs We cannot at all underſtand them, as, Of a wicked and malignant Party prevalent in the Government; Of ſome of that Party admitted to Our Privy Council, and to other Imployments of Truſt, and neareſt to Us and Our Children; Of Endeavors to ſow amongſt the People, falſe Scandals and Imputations, to blemiſh and diſgrace the Proceedings of the Parliament: *All, or any of which, did We know of, We ſhould be as ready to remedy and Puniſh, as you to Complain of. That the Prayers of your Petition are grounded upon ſuch Premiſſes, as We muſt in no Wiſe admit; yet notwithſtanding We are pleaſed to give this Anſwer to you.*

To the firſt concerning Religion, conſiſting of ſeveral Branches, We ſay, that for the preſerving the Peace and Safety of this Kingdom from the deſigns of the Popiſh Party, We have, and will ſtill concur with all the juſt Deſires of Our People in a Parliamentary Way; That for the depriving of the Biſhops of their Votes in Parliament, We would have you conſider, that their Right is grounded upon the Fundamental Law of the Kingdom, and conſtitution of Parliament; This We would have have you conſider, but ſince you deſire Our concurrence herein in a Parliamentary Way, We will give no further Anſwer at this time.

As for the abridging of the inordinate Power of the Clergy, We conceive that the taking away of the High Commiſſion Court hath well moderated that, but if there continue any Uſurpations, or Exceſſes in their Juriſdictions, We therein neither have, nor will protect them.

Unto that Clauſe which concerneth Corruptions (as you ſtyle them) in Religion, in Church-Government, and in Diſcipline, and the removing of ſuch unneceſſary Ceremonies, as weak Conſciences might check at. That for any illegal Innovations, which may have crept in, We ſhall willingly concur in the removal of them. That if Our Parliament ſhall adviſe Us to call a National Synod, which may duly examine ſuch Ceremonies, as give juſt cauſe of Offence to any, We ſhall take it into Conſideration, and apply Our Self to give

give due Satisfaction therein; But We are very ſorry to hear in ſuch general Terms Corruption in Religion objected, ſince We are perſwaded in Our Conſcience, that no Church can be found upon the Earth, that profeſſeth the true Religion with more purity of Doctrine than the Church of England *doth, nor where the Government and Diſcipline are joyntly more beautified, and free from Superſtition, then as they are here eſtabliſhed by Law, which (by the grace of God) We will with Conſtancy maintain (while We live) in their Purity and Glory, not only againſt all Invaſions of Popery, but alſo from the irreverence of thoſe many Schiſmaticks and Separatiſts, wherewith of late this Kingdom and this City abounds, to the great diſhonor and hazard both of Church and State; for the ſuppreſſing of whom We require your timely Aid and active Aſſiſtance.*

To the ſecond Prayer of the Petition, concerning the removal and choice of Counſellors, We know not any of Our Council, to whom the Character ſet forth in the Petition can belong. That by thoſe whom We had expoſed to Trial, We have already given you ſufficient Teſtimony, that there is no Man ſo near unto Us in Place or Affection, whom We will not leave to the Juſtice of the Law, if you ſhall bring a particular Charge and ſufficient Proofs againſt him; and of this We do again aſſure you, but in the mean time We wiſh you to forbear ſuch general Aſperſions, as may reflect upon all Our Councel, ſince you name none in particular.

That for the choice of Our Counſellors and Miniſters of State, it were to debar Us, that natural Liberty all Freemen have, and it is the undoubted Right of the Crown of England, *to call ſuch Perſons to Our ſecret Councels, to publick Imployment, and Our particular Service, as We ſhall think fit, ſo We are, and ever ſhall be very careful to make Election of ſuch Perſons in thoſe Places of Truſt, as ſhall have given good Teſtimonies of their Abilities and Integrity, and againſt whom there can be no juſt Cauſe of exception whereon reaſonably to ground a diffidence; and to choices of this Nature, We aſſure you that the mediation of the neareſt unto Us hath always concurred.*

To the third Prayer of your Petition, concerning Ireland, *We underſtand your Deſire of not alienating the forfeited Lands thereof, to proceed from your much Care and Love; And likewiſe that it may be a Reſolution very fit for Us to take, but whether it be ſeaſonable to declare Reſolutions of that Nature before the Events of a War be ſeen, that We much doubt of. Howſoever, We cannot but thank you for this Care, and your chearful ingagement for the ſuppreſſing of that Rebellion; upon the ſpeedy effecting thereof, the Glory of God in the Proteſtant Profeſſion, the ſafety of the* British *there, Our Honor, and that of the Nation ſo much depends; all the Intereſts of this Kingdom, being ſo involved in that Buſineſs, We cannot but quicken your Affections therein, and ſhall deſire you to frame your Councels, and to give ſuch Expedition to the Work, as the Nature thereof, and the preſſures in point of Time requires, and whereof you are put in Mind by the daily inſolence and increaſe of thoſe Rebels.*

For Concluſion, your promiſe to apply your ſelves to ſuch Courſes as may ſupport Our Royal Eſtate with Honor and Plenty at Home, and with Power and Reputation abroad, is that which We have ever promiſed Our Self, both from your Loyalties and Affections, and alſo for what We have already done, and ſhall daily go adding unto for the Comfort and Happineſs of Our People.

Decemb. 1641.

His Majeſties Declaration to all His Loving SUBJECTS.

Publiſhed with the advice of His Privy-Council.

ALthough We do not believe that Our Houſe of Commons intended, by their Remonſtrance of the State of the Kingdom, to put Us to any Apology, either for Our paſt or preſent Actions: Notwithſtanding, ſince they have thought it ſo very neceſſary (upon their Obſervation of the preſent Diſtemper) to publiſh the ſame, for the ſatisfaction of all Our Loving Subjects, We have thought it very ſuitable to the duty of Our place (with which God hath truſted Us) to do Our part to ſo good a Work, in which We ſhall not think it below our Kingly Dignity to deſcend to any particular, which may compoſe and ſettle the Affections of Our meaneſt Subjects, ſince we are ſo conſcious to Our Self of ſuch Upright Intentions and Endeavours, and only of ſuch (for which We give God thanks) for the Peace and Happineſs of Our Kingdom, in which the proſperity of Our Subjects muſt be included, that We wiſh from Our heart, that even Our moſt Secret thoughts were publiſhed to their View and Examination: Though We muſt confeſs, We cannot but be very ſorry in this Conjuncture of time (when the unhappineſs of this Kingdom is ſo generally underſtood abroad) there ſhould be ſuch a neceſſity of publiſhing ſo many particulars, from which, We pray, no inconveniencies may enſue that were not intended.

We ſhall in few words paſs over that part of the Narrative, wherein the Misfortunes of this Kingdom from Our firſt entring to the Crown, to the beginning of this Parliament, are remembred in ſo ſenſible Expreſſions: And that other which acknowledgeth the many good Laws paſſed by Our Grace and Favour this Parliament, for the Security of Our People; of which We ſhall only ſay thus much, That as We have not refuſed to paſs any Bill preſented to Us by Our Parliament, for redreſs of thoſe Grievances mentioned in the Remonſtrance, ſo We have not had a greater Motive for the paſſing thoſe Laws then Our own Reſolution (grounded upon Our Obſervation, and underſtanding the State of Our Kingdom) to have freed Our Subjects for the future, from thoſe Preſſures which were grievous to them if thoſe Laws had not been propounded, which therefore We ſhall as inviolably maintain, as We look to have Our own Rights preſerved, not doubting but all Our Loving Subjects will look on thoſe Remedies, with that full gratitude and affection, that even the memory of what they have formerly undergone by the Accidents and Neceſſities of thoſe Times, will not be unpleaſant to them: And poſſibly in a Pious Sence of Gods Bleſſing upon this Nation (how little ſhare ſoever We ſhall have of the acknowledgment) they will confeſs they have enjoyed a great meaſure of Happineſs (even theſe laſt ſixteen years) both in Peace and Plenty, not only comparatively in reſpect of their Neighbours, but even of thoſe times which were juſtly accounted Fortunate.

The Fears and Jealouſies which may make ſome Impreſſion in the minds of Our People, We will ſuppoſe may be of two ſorts; either for Religion, or Liberty, and their civil Intereſts. The Fears for Religion may haply be, not only as Ours here Eſtabliſhed, may be invaded by the Romiſh Party,

but

Decemb.
1641.

but as it is accompanied with ſome Ceremonies, at which ſome tender Conſciences really are, or pretend to be Scandalized, for of any other which have been uſed without any legal Warrant or Injunction, and already are, or ſpeedily may be aboliſhed, we ſhall not ſpeak.

Concerning Religion, as there may be any ſuſpicion of favour or inclination to the Papiſts, We are willing to Declare to all the World, That as We have been from Our Child-hood brought up in, and practiſed the Religion now Eſtabliſhed in this Kingdom; ſo it is well known, We have (not contented ſimply with the Principles of Our Education) given a good proportion of Our time and pains, to the Examination of the Grounds of this Religion, as it is different from that of Rome, *and are from our Soul ſo fully ſatisfied and aſſured, that it is the moſt pure and agreeable to the Sacred Word of God, of any Religion now practiſed in the Chriſtian World: That as We believe We can maintain the ſame by unanſwerable Reaſons, ſo We hope We ſhould readily Seal to it by the Effuſion of Our Blood, if it pleaſed God to call Us to that Sacrifice. And therefore nothing can be ſo acceptable unto Us, as any propoſition which may contribute to the advancement of it here, or the propagation of it abroad, being the only means to draw down a Bleſſing from God upon Our Selves, and this Nation. And We have been extreamly unfortunate, if this profeſſion of Ours be wanting to Our People: Our conſtant practice in Our own Perſon, having always been (without oſtentation) as much to the Evidence of Our Care and Duty herein, as We could poſſibly tell how to expreſs.*

For differences amongſt Our Selves, for matters indifferent in their own Nature concerning Religion, We ſhall, in tenderneſs to any number of Our Loving Subjects, very willingly comply with the advice of Our Parliament, that ſome Law may be made for the exemption of tender Conſciences from puniſhment, or proſecution for ſuch Ceremonies, and in ſuch caſes which by the judgment of moſt Men, *are held to be matters indifferent, and of ſome to be abſolutely unlawful. Provided that this eaſe be attempted, and purſued with that modeſty, temper and ſubmiſſion, that in the mean time the peace and quiet of the Kingdom be not diſturbed, the decency, and comelineſs of Gods Service diſcountenanced, nor the Pious, Sober, and Devout actions of thoſe Reverend Perſons, who were the firſt Labourers in the bleſſed Reformation, or of that time, be ſcandal'd and defamed. For We cannot without grief of heart, and without ſome Tax upon Our Self, and Our Miniſters for the not Execution of Our Laws, look upon the bold Licence of ſome Men, in Printing of Pamphlets, in Preaching and Printing of Sermons, ſo full of bitterneſs and malice againſt the preſent Government, againſt the Laws Eſtabliſhed, ſo full of Sedition againſt Our Self, and the peace of the Kingdom, that we are many times amazed to conſider by what Eyes theſe things are ſeen, and by what Ears they are heard; And therefore We have good cauſe to Command, as We have done, and hereby do, all Our Judges and Miniſters of Juſtice, Our Attorney and Sollicitor General, and the reſt of Our Learned Councel, to proceed with all ſpeed againſt ſuch, and their Abettors, who either by writing or words, have ſo boldly and maliciouſly violated the Laws, diſturbed the Peace of the Common-wealth; and, as much as in them lies, ſhaken the very Foundation upon which that peace and happineſs is Founded and Conſtituted. And we doubt not but all Our Loving Subjects will be very ſenſible that this buſie, virulent demeanour is a fit Prologue to nothing but Confuſion; and if not very Seaſonably puniſhed and prevented, will not only be a blemiſh to that wholſome accommodation We intend, but*

but an unſpeakable Scandal and Imputation, even upon the Profeſſion and Religion of this Our Kingdom of England.

Concerning the Civil Liberties and Intereſt of Our Subjects, We ſhall need to ſay the leſs, having erected ſo many laſting Monuments of Our Princely and Fatherly Care of Our People, in whoſe many excellent Laws, paſſed by Us this Parliament, which in truth (with very much Content to Our Self) We conceive to be ſo large and ample, that very many ſober Men have very little left to wiſh for.

We underſtood well the Right, and Pretences of Right, We departed from in the conſenting to the Bills of the Triennial Parliament, for the continuance of this preſent Parliament, and in the preamble to the Bill of Tunnage and Poundage; the Matter of which having begot ſo many Diſturbances in late Parliaments, We were willing to remove, that no Intereſt of Ours might hereafter break that Correſpondence, abundantly contenting Our Self, with an Aſſurance (which We ſtill have) that We ſhould be repaired and ſupplied by a juſt proportion of Confidence, Bounty and Obedience of Our People. In the Bills for the taking away the High Commiſſion, and Star-Chamber Courts, We believed We had given that real Satisfaction, that all Jealouſies and Apprehenſions of Abitrary Preſſures under the Civil or Eccleſiaſtical State, would eaſily have been abandoned, eſpecially when they ſaw all poſſible Doubts ſecured by the Viſitation of a Triennial Parliament.

Theſe, and others of no mean Conſideration, We had rather ſhould be valued in the Hearts and Affections of Our People; then in any mention of Our own, not doubting, but as We have taken all theſe Occaſions to render their Condition moſt comfortable and happy, ſo they will always in a grateful and dutiful relation, be ready with equal tenderneſs and alacrity, to advance Our Rights, and preſerve Our Honor, upon which their own Security and Subſiſtence ſo much depends. And We will be ſo careful, that no particular ſhall be Preſented unto Us, for the Compleating and Eſtabliſhing that Security, to which We will not with the ſame readineſs contribute Our beſt Aſſiſtance.

If theſe Reſolutions be the Effects of Our preſent Councels, (and We take God to witneſs, that they are ſuch, and that all Our loving Subjects may confidently expect the benefit of them from Us) Certainly no ill Deſign upon the Publick, can accompany ſuch Reſolution, neither will there be greater Cauſe of ſuſpition of any Perſons preferred by Us to degrees of Honor, and Places of Truſt and Imployment ſince this Parliament. And We muſt confeſs, That amongſt Our Misfortunes, We reckon it not the leaſt, That having not retained in Our Service, nor protected any one Perſon, againſt whom Our Parliament, hath excepted, during the whole ſitting of it, and having in all that time ſcarce vouchſafed to any Man an inſtance of Our Grace and Favor, but to ſuch who were under ſome eminent Character of Eſtimation among Our People, there ſhould ſo ſoon be any miſ-underſtanding or jealouſy of their Fidelity and Uprightneſs, eſpecially in a time when We take all Occaſions to declare, That We conceive Our Self only capable of being ſerved by Honeſt Men, and in honeſt Ways. However, if in Truth, We have bin miſtaken in ſuch Our Election, the Particular ſhall be no ſooner diſcovered to Us, either by Our own Obſervation, or other certain Information, then We will leave them to publick Juſtice, under the Marks of Our Diſpleaſure.

If notwithſtanding this, any Malignant Party ſhall take Heart, and be willing to Sacrifice the Peace and Happineſs of their Country to their own

Decemb. 1641.

ſiniſter Ends and Ambitions, under what pretence of Religion and Conſcience ſoever; If they ſhall endeavor to leſſen Our Reputation and Intereſt, and to weaken Our lawful Power and Authority with Our good Subjects; if they ſhall go about, by diſcountenancing the preſent Laws to looſen the Bonds of Government, that all Diſorder and Confuſion may break in upon Vs, We doubt not, but God in his good time will diſcover them unto Vs; and the wiſdom and courage of Our High Court of Parliament, joyn with Vs in their Suppreſſion and Puniſhment.

Having now ſaid all that We can, to expreſs the cleerneſs and uprightneſs of Our Intentions to Our People, and done all We can to manifeſt thoſe Intentions, We cannot but confidently believe all Our good Subjects will acknowledg Our part to be fully performed, both in Deeds paſt, and preſent Reſolutions, to do whatſoever with Juſtice may be required of Vs, and that their quiet and proſperity depends now wholly upon themſelves, and is in their own power, by yielding all Obedience and due Reverence to the Law, which is the Inheritance of every Subject, and the only ſecurity he can have for his Life, Liberty or Eſtate, and the which being neglected or diſeſteemed (under what ſpecious ſhews ſoever) a very great meaſure of Infelicity, if not an irreparable confuſion muſt without doubt fall upon them. And We doubt not it will be the moſt acceptable Declaration a King can make to His Subjects, that for Our part We are reſolved not only duly to obſerve the Laws of Our Self, but to maintain them againſt what oppoſition ſoever, though with the hazard of Our being.

And Our hope is, that not only the Loyalty and good Affections of all Our loving Subjects, will concur with Vs in the conſtant preſerving a good underſtanding between Vs and Our People, but at this time their own and Our intereſt and compaſſion of the lamentable Condition of our poor Proteſtant Subjects in Ireland, will invite them to a fair Intelligence and Vnity amongſt themſelves, that ſo We may with one Heart intend the relieving and recovering that unhappy Kingdom, where thoſe barbarous Rebels practice ſuch Inhumane and unheard of Outrages upon Our miſerable People, that no Chriſtian Ear can hear without horror, nor ſtory parallel. And as We look upon this as the greateſt affliction, it hath pleaſed God to lay upon Vs, ſo Our unhappineſs is increaſed, in that by the Diſtempers at home, ſo early Remedies have not bin applyed to thoſe growing Evils, as the Expectation and neceſſity there requires, though for Our part, as We did upon the firſt Notice acquaint Our Parliament of Scotland, (where We then were) with that Rebellion, requiring their Aid and Aſſiſtance, and gave like ſpeedy Intimation and Recommendation to Our Parliament here; ſo ſince Our Return hither, We have bin forward to all things which have bin propoſed to Vs towards that work, and have lately Our Self offered (by a Meſſage to Our Houſe of Peers, and communicated to Our Houſe of Commons) to take upon Vs the Care to raiſe ſpeedily 10000 Engliſh Voluntiers for that Service, if the Houſe of Commons ſhall declare, that they will pay them; which particulars We are (in a manner) neceſſitated to publiſh, ſince We are informed that the Malice of ſome Perſons hath whiſpered it abroad, That the no ſpeedier advancing of the buſineſs, hath proceeded from ſome want of alacrity in Vs to this great Work, whereas We acknowledge it a high Crime againſt Almighty God, and inexcuſable to Our good Subjects of Our Three Kingdoms, if We did not to the utmoſt imploy all Our Powers and Faculties to the ſpeedieſt and moſt effectual Aſſiſtance and Protection of that diſtreſſed People.

And We ſhall now conjure all Our good Subject (of what degree ſoever) by

Decemb. 1641.

by all the Bonds of Love, Duty or Obedience, that are precious to good Men to joyn with Us for the Recovery of the Peace of that Kingdom, and the preſervation of the Peace of this, to remove all their Doubts and Fears, which may interrupt their Affection to Us, and all their Jealouſies and Apprehenſions, which may leſſen their Charity to each other, and then (if the Sins of this Nation have not prepared an inevitable Judgment for Us all) God will yet make Us a Great and Glorious King, over a Free and Happy People.

Thurſday, Decemb. 16.

Sir *Philip Stapleton* brings a Meſſage from the Commons, *To deſire that the Proceedings in the Affairs of* Ireland *may be taken into Conſideration with Expedition.*

Firſt, That their Lordſhips would give a ſpeedy Anſwer touching the Bill for preſſing of Soldiers.

Secondly, To joyn with them in their Deſires to His Majeſty, that he will make a Declaration againſt Toleration of the Popiſh Religion.

Thirdly, To give the Commons a Conference by a Committee of both Houſes, touching the Treaty with the Scots, *concerning the buſineſs of* Ireland; To the laſt of which the Houſe aſſented, and ſaid, they would take the two firſt into conſideration.

The Lord Chamberlain Reported, *That himſelf, and the Lord Steward had attended the King with the Meſſage concerning the Seven Condemned Prieſts; and that His Majeſty returns this Anſwer for the preſent, That he will take it into Conſideration, and return an Anſwer to the Houſe.*

Then the Arch-Biſhop of *York* Reported the Proteſtation to be entred in the Journals of both Houſes, concerning breach of Priviledge; as alſo the Petition and Remonſtrance to be preſented to the King upon that matter: The Declaratory Proteſtation was read *in hæc verba.*

The Declaratory Proteſtation concerning breach of Priviledge.

W*Hereas His Moſt Excellent Majeſty did upon* Tueſday *laſt in full Parliament, in a Speech to both Houſes, take notice of a Bill for the preſſing of Soldiers, being in Agitation in the ſaid Houſe, and not agreed upon; and did offer a* Salvo Jure, *or Proviſional to be added to the ſaid Bill, and did at the ſame time declare his Diſpleaſure againſt ſome Perſon or Perſons, which had moved ſome Doubt or Queſtion concerning the ſame; The Lords and Commons do Proteſt and Declare, That ſuch His Majeſty's Speech is contrary to the Fundamental, Ancient, and Undoubted Liberty and Priviledge of Parliament, and that it doth of Right belong unto them, amongſt other Privileges of the High Court of Parliament, that the King ought not to take notice of any matter in Agitation or Debate, in either of the Houſes of Parliament but by their Information or Agreement; and that His Majeſty ought not to propound any Condition, Proviſion, or Limitation, to any Bill or Act in Debate or Preparation, in either Houſe of Parliament, or to manifeſt or declare his Conſent, or Diſſent, Approbation or Diſlike of the ſame, before it be preſented to him by the conſent of both Houſes: And that every particular Member of either Houſe hath free Liberty of Speech, to Propound or Debate any matter, according to the Order and Courſe of Parliament: And that His Majeſty ought not to conceive diſpleaſure againſt any Man, for ſuch Opinions and Propoſitions as ſhall be delivered in ſuch Debate, it belonging to the ſeveral Houſes of Parliament reſpectively to Judge and Determine ſuch Errors and Offences, in Words or Actions, as ſhall be committed*

mitted by any of their Members, in handling and debating any Matters there depending; and for the preſervation of the ſaid Priviledges for the time to come, they do ordain and appoint, That this their Proteſtation and Declaration ſhall be entred in both Houſes, and that an humble Remonſtrance and Petition, ſhall be framed, and preſented to His Majeſty in the Name of both Houſes, declaring this their Ancient and Undoubted Right, humbly deſiring His Majeſty to obſerve and maintain the ſaid Priviledges; and that he will not take notice of any particular Man's Speeches or Carriage concerning any matter in Treaty and Debate in Parliament, or conceive any offence or diſpleaſure for the ſame, but that he will declare and make known the Name or Names of the Perſon or Perſons, by whoſe miſinformation and evil Council he was induced to the Breach of the Priviledges of Parliament aforementioned.

After the Reading whereof, it was Reſolved upon the Queſtion, *That this Declaratory Proteſtation now read, is approved of, and ſhall be Entred into the Journal of this Houſe.*

Memorandum, *It is declared by this Houſe, That the Perſon or Perſons, whom the King ſhall Name, ſhall not be liable to any puniſhment without further proof.*

Next the Petition and Remonſtrance was read in theſe Words.

To the King's moſt Excellent Majeſty,

The Humble Petition of the Lords and Commons in Parliament concerning His Majeſty's Speech, of the 14th of *December*, 1641.

Moſt Gracious Sovereign,

YOur Majeſties moſt Humble and Loyal Subjects, the Lords and Commons in Parliament, Do, with all Faithfulneſs and Zeal to Your Majeſties Service, acknowledge Your Royal Favour and Protection to be a great Bleſſing and Security to them, for the enjoying and preſerving of all thoſe publick and private Liberties and Priviledges which belong unto them: And whenſoever any of thoſe Liberties or Priviledges ſhall be invaded, or broken, they hold themſelves bound with humility and confidence, to reſort to Your Princely Juſtice for redreſs and ſatisfaction. And becauſe the Rights and Priviledges of Parliament are the Birthright and Inheritance, not only of themſelves, but of the whole Kingdom, wherein every one of Your Subjects is intereſſed. The maintenance and preſervation whereof doth very highly conduce to the publick peace and proſperity of Your Majeſty and all Your People; they conceive themſelves more eſpecially obliged with all humbleneſs and care; yea, with all earneſtneſs and conſtancy of reſolution, and endeavour to maintain and defend the ſame. Amongſt other the Priviledges of Parliament; they do with all dutiful Reverence to Your moſt Excellent Majeſty declare, That it is their Ancient and Undoubted Right, that Your Majeſty ought not to take notice of any matter in Agitation and Debate in either Houſes of Parliament, but by their information and agreement: And that Your Majeſty ought not to propound any Condition, Proviſion, or Limitation to any Bill

The Petition of the Parliament concerning breach of Priviledge by King's Speech of *Decemb.* 14 1641.

Decemb. 1641.

or Act in Debate or preparation in either Houſes of Parliament; or to manifeſt or declare your conſent or diſſent, approbation or diſlike of the ſame, before it be preſented to Your Majeſty in due courſe of Parliament: And that every particular Member of either Houſe hath free liberty of Speech to propound or debate any matter according to the order and courſe of Parliament: And that Your Majeſty ought not to conceive diſpleaſure againſt any Man for ſuch Opinions and Propoſitions as ſhall be delivered in ſuch debate, it belonging to the ſeveral Houſes of Parliament reſpectively to judge and determine ſuch Errors and Offences in Words or Actions as ſhall be committed by any their Members, in the handling or debating any matters depending.

They do further declare, That all the Priviledges above-mentioned have been lately broken, to the great ſorrow and grievance of your moſt humble and faithful Subjects in that Speech which Your Majeſty made in Parliament to both Houſes upon Tueſday *laſt, the* 14th *of this preſent Month of* December, *in that Your Majeſty did therein take notice of a Bill for impreſſing of Soldiers, being in Agitation in the ſaid Houſes, and not agreed upon: And that Your Majeſty did therein offer a* Salvo Jure, *or proviſional Clauſe to be added to that Bill before it was preſented to Your Majeſty by the Conſent of both Houſes, and did at the ſame time declare Your diſpleaſure againſt ſuch Perſons as had moved ſome Doubt or Queſtion concerning the ſame Bill. All which they do affirm and declare to be againſt the Ancient, Lawful and Undoubted Priviledges and Liberties of Parliament.*

And therefore they moſt humbly beſeech Your Majeſty, by Your Royal Power and Authority, to maintain and protect them in theſe and all other the Priviledges of Your High Court of Parliament, that You will not for the time to come, break or interrupt the ſame. And that none of Your Loyal Subjects may ſuffer or ſuſtain any prejudice in Your Majeſties favour or good opinion for any thing done or ſpoken in Parliament. And for the reparation of Your Loyal Subjects in this their juſt Grievance and Complaint, for the Breaches of their Priviledges above-mentioned, and prevention of the like, for the time to come: That Your Majeſty will be pleaſed to declare and make known the Name or Names of the Perſon or Perſons, by whoſe miſ-information and evil Counſel Your Majeſty was induced to the ſame, that ſo he or they may receive ſuch condigne puniſhment, as ſhall appertain to Juſtice in that behalf. And this they moſt humbly deſire, and as Your greateſt and moſt faithful Councel ſhall adviſe Your Majeſty to perform, as that which will be not only a comfort to themſelves, but likewiſe a great advantage to Your Majeſty, by procuring and confirming ſuch a Confidence and Unity betwixt Your Majeſty and Your People, as may be a foundation of Honour, Safety, and Happineſs to Your Perſon and Throne, as they ſtand bound always to pray for, and endeavour.

Which being done, it was Reſolved upon the Queſtion, *That this Petition and Remonſtrance now read, ſhall be preſented to the King, and theſe Lords following were appointed to go along with ſuch Members as the Houſe of Commons ſhould appoint, to attend the King accordingly,* Viz. *Arch-Biſhop of* York, *Lord Steward, Earl Marſhal, Lord Admiral, Earl of* Bath, *Earl of* Dorſet, *Earl of* Cambridge, *Earl of* Briſtol, *Earl of* Holland, *Lord* Wharton. The Commons appointed the ſame Committee for this Service which are before named; to whom were added, Sir *Henry Vane* Senior, Mr. *Liſle*, Sir *Ralph Hopton*, Lord *Crompton*,

Lord

Decemb. 1641.

Lord *Buckhurſt*, Mr. *Jones*, Sir *Edward Patherich*, Mr. *Palmer*, Sir *Rich. Buller*, Sir *Sam. Oldſield*, Sir *Simon D'Ewes*, Mr. *Cary*, Sir *Jo. Culpeper*, Sir *Rob. Harley*, Sir *John Clotworthy*.

The Lord Steward, and the Earl of *Holland* were appointed preſently to attend the King, *To know what time he will pleaſe to appoint the Select Committees of both Houſes may wait upon him for this purpoſe.* To which the Lord Steward brought Anſwer, *That the King appoints to morrow at two of the Clock at* White-Hall.

Orders to the Mayor of *Berwick, Hull*, and *New-Caſtle* to take care of thoſe Places.

In the Commons Houſe, after the Reading and Voting of the Proteſtation, Petition, and Declaration, It was Ordered, *That Mr. Speaker do write his Letters to the Mayor of* Berwick, *enjoyning him to require ſuch Papiſts and ſuſpected Perſons as reſide in* Berwick, *or make their Conſtant repair thither, forthwith to depart the Town; and ſuch as ſhall refuſe, to tender the Oaths of Supremacy and Allegiance unto them; and to proceed againſt them according to Law: And to require him, that a Guard be kept at the ſeveral Gates of that Town; and that the Arms of that place be in readineſs. And Mr. Speaker is likewiſe to write to the Mayor of* Newcaſtle, *and to the Mayor of* Hull, *requiring them to have a ſpecial Care in the diſarming of Recuſants, and injoining them to depart thoſe places, and ſuch as ſhall refuſe, to tender unto them the Oaths of Supremacy and Allegiance, and to proceed againſt them according to Law, and to have the Arms of thoſe Towns in a Readineſs and good Condition, for the defence of thoſe Places; eſpecially the Mayor of* Hull *to provide well for the ſafety of the Magazine there: And that Sir* Robert Harley *and Mr.* Littleton *do repair to the Lord Keeper, and to deſire him to iſſue out Commiſſions to the Mayors of* Berwick, Hull *and* Newcaſtle, *enabling them to tender the Oaths of Supremacy and Allegiance to Papiſts and ſuſpected Perſons.*

Sir *James Douglas* to be ſent for as a Delinquent.

After which, it was Reſolved upon the Queſtion, *That Sir* James Douglaſs *ſhall be ſent for as a Delinquent, by the Serjeant at Arms attending the Houſe.*

Hertfordſhire Petition.

A Petition of the Knights and Gentlemen of the County of *Hertford*, on the behalf of themſelves and divers others, was this day read, and it was Ordered, *That the ſame ſhall be taken into Conſideration, on* Saturday *next; and alſo at the ſame time to Debate ſuch other Matters as ſhall be neceſſary for the defence of the Kingdom, and of putting the Kingdom into a Poſture of Defence. And Mr. Speaker is to put the Houſe in mind of this Order.*

I have not been able to recover this Petition, but it is eaſie by the Order that treads upon the Heels of it, to know that the Matter was putting the Biſhops out, and the Kingdom into a Poſture of Defence; which Two Topicks were by the indefatigable Emiſſaries of the Faction laboured for night and day: To ſay the truth, they were the moſt induſtrious Sollicitors to promote miſchief that ever the Sun ſaw, and uſed the utmoſt diligence to ſet ſuch Petitions on foot, and by all the Arts imaginable, but more particularly by threatening the Timerous with the Parliaments diſpleaſure, ſo procure hands to ſuch Petitions, which were to be preſented to the Houſes as the Senſe of the Nation; by which way of procedure they endeavoured to put a fair Countenance upon their Actions, as being the Reſults of the Deſires of the People, when as in reality they were their own Contrivances, and thoſe Petitions were moſt of them framed by a *Juncto* of the Faction at *Lon-*

don, and then by their Agents ſent down and ſet afoot in the Country.

It was alſo Ordered, *That Sir* Robert Cooke *do repair to the Lord Lieutenant of* Ireland, *and to deſire him for the Expediting of the Service of that Kingdom, to iſſue forth Commiſſions for the Raiſing of two Regiments in* Ulſter; *and alſo to haſten all other Commiſſions, for the Raiſing of Men for that Kingdom; and to acquaint him with the Two Orders for the Impreſſing of* 3000 l. *for the Raiſing, Conducting, and Tranſporting* 2 *Regiments of* 1500 *Men; and to the Maſter of the Ordnance, to deliver unto him ſuch quantities of Powder, as ſhall be thought neceſſary for the preſent Expedition to be ſent into* Munſter *in* Ireland.

Friday, Decemb. 17.

The Arch-Biſhop of *York* Reports, *That the Committee of this Houſe met with the Select Committee of the Houſe of Commons, and waited on the King at* White-Hall, *and delivered unto his Majeſty the Petition and Remonſtrance of both Houſes, touching the Priviledge of Parliament, and his Majeſty returns this Anſwer, That he will ſend an Anſwer in convenient time in Writing.*

The Houſe of Lords then fell into debate about ſeveral Amendments to the Declaration, to be offered to the King, not to Tolerate the Popiſh Religion in *Ireland*, or any other of His Majeſties Dominions, and it being moved, That a Clauſe might be added, *That no Religion might be Tolerated, but what is Eſtabliſhed by the Laws of this Kingdom*; The Lords of the Faction being aware of the Conſequence, and being as much reſolved to deſtroy the Religion by Law Eſtabliſhed, as the Papiſts could be for the hearts of them, therefore ſtoutly oppoſed it, and after a long Debate, It was Ordered, *That this Houſe approves of, and confirms the Report with the Amendments and Alterations; and that the Clauſe againſt Tolleration of Popiſh Religion ſhall go ſingly as it is, and that the Amendments and Alterations be communicated to the Houſe of Commons*: And it was further Ordered, *That the Earl of* Briſtol *do draw a Declaration to this Effect, That no Religion ſhall be Tolerated in his Majeſties Dominions of* England *and* Ireland, *but what is or ſhall be Eſtabliſhed by the Laws of this Kingdom, and preſent the ſame to the Committee for Religion, who are to meet on* Tueſday *next, at ſuch time and Place as the Houſe ſhall appoint on* Monday.

The Faſt for *Ireland.*

A Meſſage was brought from the Houſe of Commons by Sir *Arthur Hazlerigg*, to let their Lordſhip know, *That the Commons do fully agree to the three Days appointed for the Faſt.* The Days were *Wedneſday* next for both Houſes of Parliament, and *London*; *Thurſday* next for the City of *Weſtminſter*; and *Thurſday* come Month for the whole Kingdom. Then the Houſe appointed the Lord Arch-Biſhop of *York* to Preach the Faſt Sermon in the Abby before the Lords in the Morning, and the Lord Primate of *Armagh* to Preach in the Afternoon; and *Tueſday* was appointed to be the day for gathering the Collection of the Lords, towards the Relief of the poor diſtreſſed *Engliſh*, who had been ſtripped and deſpoiled by the Rebels.

Mr. *Daniel O Neal*, and Mr. *Jermyn*, and Mr. *Percy* to be Impeached of High Treaſon.

The Commons fell upon the Revived Affair of the Plot of the Army, and firſt the Impeachment of the Commons Houſe of Parliament againſt *Daniel O Neal* Eſq; for High Treaſon, was this Day read, and Re-Committed to the ſame Committee, to prepare it in ſuch a way, as that all the Evidence may be brought in.

Then it was Reſolved, &c. *That Mr.* Jermyn, *Mr.* Percy, *and Sir* John Suckling, *ſhall be Accuſed by this Houſe for the preſent, and Impeached of High Treaſon.*

The

Sir *John Berkley* ordered to be Bailed.

The Queſtion was propounded, Whether Sir *John Berkley* ſhall be bailed, upon the tender of ſuch Bail, as this Houſe ſhall allow of, and then the Queſtion was put, Whether this Queſtion ſhould be now put, the Houſe was divided, the Yeas went forth, with the Yeas 104, with the No. 98, ſo it paſſed in the Affirmative; then the Queſtion was put, Whether Sir *John Berkley* ſhould be bailed, the Houſe was divided again and the Yeas went out, with the Yeas 122, with the No, 84. Whereupon it was Ordered, *That Sir* John Berkely *ſhould be bailed.*

A Petition from the County of *Surrey* was read, and ſuch Gentlemen as did attend, were called in, and did avow it, and Mr. Speaker told them, *That this Houſe did accept it in good Part, and did not doubt of the Truth of it, that they might get more Hands, as is alledged in the Petition, they are ſatisfied with thoſe already gotten; and for the procuring of more the Houſe referred it to their Judgment.*

Mr. *Pym*'s report of the delivery of the Petition to his Majeſty.

Mr. *Pym* Reported, *That the Committee who attended his Majeſty, had a ſuddain admittance, and a gracious acceptance, that the Lord Arch-biſhop of* York *read the Petition, and his Majeſty ſaid, That as it had taken ſome time to prepare, ſo he would take ſome time to anſwer it, and that leſt there might be ſome Miſtakes in Words, he would give his Aſwer in Writing*

Votes concerning *Ireland*.

Then the Houſe fell upon the Buſineſs of *Ireland*, and it was Reſolved, &c.

That the Pay to the Officers of the new Levies, ſhall continue for ſix Months according to the proportions formerly reſolved upon, if the Wars ſhall ſo long continue.

Reſolved, &c. *That the Lord Lieutenant of* Ireland, *ſhall be directed to pay* 562 l. 17 s. 4d. *according to the Rate agreed upon, being a Months Pay, for the Officers of his own Regiment.*

Reſolved, *That the Lord* Dungaruan's *Troop, ſhall have a Months Pay according to the Rate agreed upon.*

Reſolved, &c. *That* 114 l. 16 s. 0. *being a Months Pay ſhall be paid to the Officers of the four hundred Fire-locks, conſiſting of two Companies.*

Reſolved, &c. *That* 800 l. *ſhall be impreſted for the Raiſing, Conducting and Tranſporting into* Ireland, *the ſaid* 400 *Fire-locks, and keeping them there till the firſt Muſter.*

Reſolved, &c. *That the Sum of* 214 l. 13 s. 4 d. *ſhall be paid to the Officers of the* 500 *Men in five Companies, which are to go to* Knockfergus *for a Months Pay.*

Reſolved, &c. *That the Sum of* 1000 l. *ſhall be paid for the Levying, Conducting and Tranſporting the ſaid* 500 *Men, and keeping them there till their firſt Muſter.*

Reſolved, &c. *That* 432 l. 13 s. 4 d. *being for a Months Pay, ſhall be paid to the Officers of a Regiment of* 1000 *Men in Nine Companies for* Munſter.

Reſolved, &c. *That* 1000 l. *ſhall be impreſted for the Levying, Conducting and Tranſporting into* Ireland 500 *of thoſe Men, which are to be raiſed here in* England, *for the ſaid Province of* Munſter, *and for the keeping them together till the firſt Muſter.*

Reſolved, &c. *That* 543 l. 4 s. *ſhall be paid to the Officers of the Troops of the* 300 *Carabins, being for a Months Pay.*

Reſolved, &c. *That the Sum of* 4128 l. *ſhall be paid for the Levying of the* 300 *Carabins, and for the* 44 *Horſes for the Officers of the* 4 *Troops,*

Decemb. 1641.

reckoning to every Troop eleven Horſes, which makes in all 344 *Horſes, at* 12 l. *a Horſe, and for the Conducting the ſaid Horſes to* Cheſter, *and keeping them there till they are Muſter'd, and that ſo ſoon as they are Muſter'd, they ſhall enter into Pay, and that a Commiſſary do go along with them to Muſter them, ſo ſoon as they come there, and likewiſe that a Commiſſary continue there, and Muſter them when they go into the Ship. The Saddles to be furniſhed out of his Majeſties Stores.*

Reſolved, &c. *That* 179 l. 4 s. *being for one Months Pay, ſhall be paid to the Officers of the* 300 *Dragoons in three Companies.*

Reſolved, &c. *That* 5 l. *a Horſe ſhall be allowed for the* 300 *Dragoons, and for the* 33 *Horſes for the Officers, allowing to every Company* 11 *Horſes; for the buying of them, and bringing them upon the Place of Muſter, and then to enter into Pay.*

Reſolved, &c. *That* 200 l. *more, ſhall be forthwith impreſted upon account to the Officers of the Ordnance, for the carrying down the Arms to* Cheſter, *out of the* 50000 l. *lent by the City of* London, *for the Affairs of* Ireland.

Reſolved, &c. *That* 186 l. 13 s. 4 d. *being one Months Pay, ſhall be paid to the Officers, which are to Command the five hundred Men in the Province of* Connaght *being Officers of five ſingle Companies.*

Reſolved, &c. *That a Months Pay for Sir* Simon Harcourt's *Regiment of* 1100 *Men,* viz. *For the Officers* 470 l. *and for the* 1100 *Men* 1026 l. *ſhall be likewiſe paid.*

Ordered, *That* Owen O Connelly *be from this Houſe recommended to the L. Lieutenant of* Ireland, *to have the Command of one of the Companies of Dragooners.*

The Houſe of Commons having by Vote aſſented to the time of the Faſt, Mr. *Calamy* and Mr. *Marſhal* are deſired to preach on that Day, at St. *Margarets Weſtminſter* before the Houſe of Commons; and Sir *Robert Harlow* undertook to give Mr. *Calamy* notice, and Sir *Thomas Barrington* to Mr. *Marſhal*.

Saturday, Decemb. 18.

The Lord Steward acquainted the Houſe, *That the King aſſented to the Deſires of both Houſes concerning the Faſt, and the Dayes they have agreed upon.*

The E. of *Briſtol* Reported a Paper containing the Senſe of the Houſe yeſterday, concerning the firſt Propoſition of the *Scots* Commiſſioners, which was read in *hæc verba.*

That the Houſe of Peers will aſſent to the ſending 10000 Scots, *but under this Condition, that it be preſently voted in both Houſes, and aſſented unto by his Majeſty, that* 10000 Engliſh *be likewiſe ſent with all the poſſible ſpeed as may be, and that all ſuch Monies as ſhall be raiſed and aſſigned for this expedition be equally divided; and that proportion, as belongeth to the* Engliſh, *be not meddled withal, upon any Occaſion, but be wholly imployed for the raiſing and ſending away* 10000 Engliſh, *and this is likewiſe to be underſtood, beſides the* 2000 Engliſh *Horſe, which have been in Propoſition to be deſired.*

Mr. *Daniel O Neal* impeached of High Treaſon, and committed to the *Gatt-Houſe.*

A Meſſage was then brought up from the Houſe of Commons by *Arthur Goodwin* Eſquire, to let their Lordſhips know, *That he was Commanded by the Knights, Citizens and Burgeſſes for the Commons, now Aſſembled in Parliament to accuſe, and in the Name of the Houſe of Commons, and of all the Commons of* England, *did accuſe* Daniel O Neal *of High Treaſon:*

Decemb. 1641.

ſon: and further he was to deſire, That their Lordſhips would ſend for the ſaid Daniel O Neal, *and commit him to ſafe Cuſtody, and in convenient time, the Houſe of Commons will bring up the particular Charge againſt him.*

Whereupon a Warrant was ſent to bring *Daniel O Neal* before the Lords, which being done, and he being brought to the Bar as a Delinquent, the Lord Keeper by the Command of the Houſe told him, *That he is accuſed by the Houſe of Commons, in the Name of the Houſe of Commons, and of all the Commons of* England *of High Treaſon; and that this Houſe doth commit him to the Priſon of the* Gatehouſe *in* Weſtminſter, *there to remain until the Pleaſure of this Houſe be further known.*

After this the Houſe fell upon the Bill for preſſing of Soldiers, and it was moved, *That before it be debated by this Houſe, Mr. Attorney General may be heard, what he can ſay for the King therein, if he deſires it.* Hereupon Mr. Attorney General deſired the Houſe to give him leave to be heard for the King concerning the ſaid Bill, which the Houſe gave way unto, and then preſently Mr. Attorney made a long Argument in the King's behalf, which being done, the Houſe Ordered that the debate of the ſaid Bill for preſſing of Soldiers ſhould be upon *Munday* next.

In the Commons Houſe among other things, the Conſideration of the Navy came under Debate, and it was Ordered, *That the Committee formerly appointed to conſider of the Affairs of the Navy, do draw an Order according to the Debate this Day, about the diſpoſing of the Monies for Tunnage and Poundage, and likewiſe to conſider what Way is fit for this Houſe to take for the Continuance of Sir* Henry Vane *in the Place of Treaſurer for the Navy.*

The Officers Petition for their Arrears, and are anſwered ſmoothly.

Then the Humble Petition of the Officers of the late Army was read, and ſome of the Officers that preſented it were called in, and Mr. Speaker told them, *That it was the great neceſſities of this Kingdom that had unexpectedly fallen upon them, which hath prevented the full Satisfaction, which the Houſe much deſired to give them, that within a very ſmall time, they hope they ſhall be able to do it.*

Monday, Decemb. 20.

This Day the King ſends by the Lord Keeper a Meſſage, to let the Houſe of Lords know, *That he would ſend his Anſwer to the Petition this Afternoon, ſo ſoon as the Committees of both Houſes do attend him,* which was immediately by a Meſſenger communicated to the Commons.

Next a Petition was delivered into the Houſe by the Lord Keeper, by Command of the King, from the County of *Cheſter*, concerning Church Government and the Book of Common Prayer, but it it was laid aſide for the preſent, being not very welcome.

Theſe People notwithſtanding the rebuke, which Sir *Thomas Aſton* had met with, for a Petition of this Nature, yet in the midſt of theſe wicked Times durſt be honeſt, and publickly avow themſelves ſo, which was far more.

The Petition, as I find it in a Collection of Petitions, printed afterwards by his Majeſties Command at *York*, to let the World ſee, that a very conſiderable Part of the Nation was utterly againſt the pretended Reformation, was as follows.

Decemb. 1641.

To the King's Moſt Excellent Majeſty, and to the Right Honorable the Lords, and the Honorable the Houſe of Commons, Aſſembled in Parliament.

The Humble Petition of divers of the Nobility, Juſtices, Gentry, Miniſters Freeholders, and other Inhabitants of the County Palatine of *Cheſter*, whoſe Names are contained in the Schedule Annexed.

The *Cheſhire* Petition for the Common Prayer, and ſuppreſſion of Schiſmaticks, *&c.*

Your Petitioners with all Cheerfulneſs and Contentation, affying in the happy ſettlement of the Diſtractions both of Church and State, by his Majeſties pious Care, and the prudent and religious Indeavors of this Honorable Aſſembly, and with due Humility and Obedience, ſubmitting to the unanimous Concluſions thereof, yet conceive themſelves bound in Duty,

Humbly to repreſent to your mature Conſiderations, That the preſent Diſorders of many Turbulent and Ill-diſpoſed Spirits, are ſuch, as give not only Occaſion of preſent diſcontent to your Petitioners, but ſeem to import ſome ill event without early prevention.

The pure Seed of our Faith, the Doctrine of the Reformed Proteſtant Religion, Eſtabliſhed by ſo many Acts of Parliament, and ſo harmoniouſly concurring with the Confeſſions of all other Reformed Churches, being tainted with the Tares of divers Sects and Schiſmes, lately ſprung up amongſt Us.

Our Pious, Laudable and Ancient Form of Divine Service, compoſed by the Holy Martyrs, and worthy Inſtruments of Reformation; Eſtabliſhed by the prudent Sages of State, your religious Predeceſſors; honored by the Approbation of many learned Foreign Divines; ſubſcribed by the Miniſtry of the whole Kingdom; and with ſuch general Content, received by all the Laity, that ſcarce any Family or Perſon that can read, but are furniſhed with the Books of Common Prayer; in the conſcionable Uſe whereof, many Chriſtian Hearts have found unſpeakable Joy and Comfort; wherein the famous Church of England *our dear Mother hath juſt Cauſe to Glory: and may She long flouriſh in the Practiſe of ſo bleſſed a Liturgy!* * *Yet, it is now not only depraved by many of thoſe who ſhould teach Conformity to Eſtabliſhed Laws, but, in Contempt thereof, in many Places wholly neglected. All theſe dayly practiſed with Confidence, without Puniſhment, to the great dejection of many ſound Proteſtants, and occaſioning ſo great inſultation and rejoycing in ſome Separatiſts,* * as they not only ſeem to portend, but menace ſome great Alteration; and not containing themſelves within the Bounds of Civil-Government, do commit many tumultuous, if not Sacrilegious Violences, both by Day and Night, upon divers Churches.

* This the Reader will ſee preſently in a Petition by Dr. *Burgeſs*, &c. of this Day.

* The true temper of the Separatiſts and Schiſmaticks from their firſt original to this Day.

Therefore your Petitioners, being all very apprehenſive of the dangerous Conſequences of Innovation, and much ſcandalized at the preſent Diſorders,

Do all unanimouſly Pray,

That there be admitted no Innovation of Doctrine or Liturgy, that Holy Publick Service, being ſo faſt rooted by a long ſetled continuance in this Church, that in Our Opinion and Judgments it cannot be altered, unleſs by the Advice and Conſent of ſome National Synod, without an univerſal Diſcontent; and that ſome *ſpeedy Courſe be taken to ſuppreſs ſuch Schiſmaticks, and Separatiſts, whoſe factious Spirits do evidently indanger the Peace both of Church and State.*

And Your Petitioners ſhall ever Pray, &c.

Signed by Lords, Knights, Juſtices of the Peace, and Eſquires—94
By Gentlemen of Quality——————440
By Divines——————86
By Free-holders and others, in all——————8936

In all——— 9556

And in regard their Piety and Loyalty deſerves a place in the Records of time, and that in theſe Petitions the Reader will ſee the Temper and Genius of theſe Seditious and Turbulent Sectaries and Schiſmaticks, the very Peſts of Church and State; the main Occaſioners, Managers, Promoters, Contrivers, Encouragers, Supporters, and Conductors of this moſt Execrable Rebellion, from its firſt Original till its laſt fatal Period, moſt accurately pointed out, in the juſt and too modeſt complaints of theſe Petitions; for the Times and Perſons would not bear truth, unleſs apparelled in the moſt ſubmiſſive Garb and Poſture. I will here ſubjoyn Sir *Thomas Aſhton*'s Petition, which was preſented to the Lords, and for which he received a ſmart rebuke, and narrowly eſcaped a Priſon, which I ſhould have done in its proper place, had this Collection of Petitions then come to my hands. The Petition was as follows.

To the High and Honorable Court of Parliament,

The Nobility, Knights, Gentry, Minſters, Freeholders, and Inhabitants of the County Palatine of *Cheſter*, whoſe Names are Subſcribed in ſeveral Schedules hereunto Annexed.

Humbly Shew;

The *Cheſhire* Petition, delivered to the Houſe of Lords by Sir *Thomas Aſhton.*

That whereas divers Petitions have lately been carried about this County, againſt the preſent Form of Church Government, and the hands of many Perſons of ordinary Quality ſollicited to the ſame, with pretence to be preſented to this Honourable Aſſembly; which we conceive not ſo much to aim at Reformation, as abſolute Innovation of Government, and ſuch as muſt give a great advantage to the Adverſaries of our Religion; We held it our Duty to diſavow them all, and humbly pray, That we incur no miſ-cenſure if any ſuch Clamours have, without our privity, aſſumed the Name of the County.

We, as others, are ſenſible of the common Grievances of the Kingdom, and have juſt cauſe to rejoyce at, and acknowledge, with thankfulneſs, the pious Care, which is already taken, for the ſuppreſſing of the Growth of Popery, the better to ſupply able Miniſters, and the removing of all Innovation; and we doubt not but in your great Wiſdoms you will regulate the Rigor of the Eccleſiaſtical Courts, to ſuit with the Temper of our Laws, and the Nature of Free-men.

Yet, when we conſider, That Biſhops were inſtituted in the time of the Apoſtles; that they were the great Lights of the Church in all the firſt General Councils; that ſo many of them ſowed the Seeds of Religion in

Decemb. 1641.

their Bloods, and reſcued Chriſtianity from utter Extirpation in the Primitive Heathen Perſecutions: That to them we ow the Redemption of the purity of the Goſpel, we now profeſs, from Romiſh Corruption; that many of them for the propagation of the Truth, became ſuch Glorius Martyrs, that divers of them, lately, and yet living with us, have been ſo great Aſſertors of our Religion, againſt the Common Enemy of Rome; and that their Government hath been ſo long approved, ſo oft Eſtabliſhed, by the Common and Statute Laws of this Kingdom, and as yet nothing in their Doctrine, generally taught, diſſonant from the Word of God, or the Articles ratified by Law. In this Caſe, to call their Government a perpetual Vaſſallage, an intollerable Bondage, and, prima facie & inauditâ alterâ parte, to pray the preſent removal of them; or, as in ſome of their Petitions, to ſeek the utter Diſſolution and Ruin of their Offices as Anti-Chriſtian, We cannot conceive to reliſh of Juſtice or Charity, nor can We joyn with them.

But on the contrary, when We conſider the Tenor of ſuch Writings, as in the name of Petitions are ſpread among the Common People; the Tenents Preached Publickly in Pulpits; and the Contents of many Printed Pamphlets ſwarming among us, all of them dangerouſly exciting a diſobedience to the Eſtabliſhed Form of Government, and their ſeveral intimations of the deſire of the Power of the Keys, and that their Congregations may Execute Eccleſiaſtical Cenſures within themſelves; We cannot but expreſs our juſt Fears, that their deſire is to introduce an abſolute Innovation of Preſbyterial Government, whereby We who are now governed by the Canon and Civil Laws, diſpenſed by Twenty ſix Ordinaries, eaſily reſponſible to Parliaments for any deviation from the Rule of the Law, conceive we ſhould become expoſed to the meer Arbitrary Government of a numerous Preſbytery; who, together with their Ruling Elders, will ariſe to near forty thouſand Church Governors; and with their adherents, muſt needs bear ſo great a ſway in the Common-wealth, that if future inconvenience ſhall be found in that Government, we humbly offer to conſideration, how theſe ſhall be reducible by Parliaments, how conſiſtent with Monarchy, and how dangerouſly conducible to Anarchy; which We have juſt cauſe to pray againſt, as fearing the Conſequences would prove the utter loſs of Learning and Laws, which muſt neceſſarily produce an Extermination of Nobility, Gentry, and Order, if not of Religion.

With what vehemency of Spirit theſe things are proſecuted, and how plauſible ſuch Popular Infuſions ſpread, as incline to a Parity, we held it our Duty to repreſent to this Honourable Aſſembly; and humbly pray, That ſome ſuch preſent Courſe be taken, as in your Wiſdoms ſhall be thought fit, to ſuppreſs the future diſperſing of ſuch dangerous diſcontents among the Common People. We having great Cauſe to fear, That of all the Diſtempers that at preſent threaten the welfare of this State, there is none more worthy the mature and grave Conſideration of this Honourable Aſſembly, then to ſtop the Torrent of ſuch Spirits, before they ſwell beyond the bound of Government: Then We doubt not but His Majeſty perſevering in his gracious Inclination to hear the Complaints, and relieve the Grievances of his Subjects in frequent Parliaments, it will ſo Unite the Head and the Body, ſo indiſſolubly Cement the Affections of his People to our Royal Soveraign, that without any other Change of Government, He can never want Revenue, nor Wee Juſtice.

We have preſumed to annex a Copy of a Petition, or Libel diſperſed, and certain poſitions Preacht in this County, which We conceive imply

ply Matter of a dangerous Conſequence, to the Peace both of Church and State. All which We humbly ſubmit to your great Judgments, Praying they may be read,

And ſhall ever Pray, &c.

Subſcribed to this Petition,

Four Noblemen.
Knights Baronets, Knights and Eſquires fourſcore and odd.
Divines threeſcore and ten.
Gentlemen three hundred and odd.
Free-Holders, and other Inhabitants above ſix thouſand.

All of the ſame County.

It was this Day moved, *That the Earl of* Salisbury *having ſome buſineſs depending in the Houſe of Commons, and his Lordſhip deſires, being a Peer, he may have leave of this Houſe to follow it*, which the Houſe Granted.

E. of *Salisbury* hath leave to follow ſome Buſineſs in the Commons Houſe.

Then the Lords Commiſſioners Reported, *That this Morning they met with the* Scots *Commiſſioners, who delivered them this Paper following, with a deſire, that they might have a ſpeedy Anſwer therein, for that they are to ſend Letters away preſently to* Scotland. The Paper was this.

A *Scottiſh* Paper complaining of Delayes in the Treaty for Relief for *Ireland*.

It is now 20 *Daies ſince We came hither, and a Forthnight ſince We begun this Treaty, and there is no one of our Propoſitions anſwered; therefore leſt thoſe that ſent us, and expected an Anſwer from us againſt the* 8th *of this Month, ſhould impute it to us, we earneſtly deſire and expect an Anſwer to our Propoſitions given, that we may give in the reſt and be at a point this Day, or to morrow; and in Caſe of further Delay, we demand that ſince the* 8th *of this Month (at which time we ſhould have ſent Anſwer into* Scotland*) to the end of the Treaty, we may have Entertainment for the* 2500 *Men, we have kept up for this Service, otherwiſe we muſt ſend into* Scotland, *that they may be diſbanded.*

A Meſſage was brought from the Houſe of Commons by Mr. *Hollis*, to deſire a Conference by a Committee of both Houſes touching the Declaration, the Propoſitions from the *Scots*, the Bill for preſſing of Soldiers for *Ireland*, without which they ſay Men cannot be raiſed for that Service.

A Meſſage to the Lords by Mr. *Hollis* to preſs them to expedite the Affairs of *Ireland*.

And further he ſaid, That the Houſe of Commons do make this Declaration, that they have done what they can, to further the Relieving of the miſerable and diſtreſſed Eſtate of the Proteſtants in *Ireland*, and they do clear themſelves of the Blood and Miſeries which will follow, if Expedition be not done ſpeedily, to thoſe means that may relieve them. *To which their Lordſhips anſwered*, That they would give a preſent Meeting, touching the 2 firſt Propoſitions, and will conſider of the reſt and expedite them with all ſpeed.

Next a Letter was read from Sir *John Temple* at *Dublin*, to the Lord Lieutenant of *Ireland*, the principal Matters of which were, *That Succors come ſo ſlowly out of* England, *That the whole State of* Ireland *ſuffers, and the Kingdom is likely to be loſt, by the ſlow Proceedings of ſending over Men, Arms and Money, That the Lords of the* Pale *refuſe to come to the Council, That the Rebels are in a Body within* 6 *Miles of* Dublin, *and that*

The contents of Sir *John Temple*'s Letter from *Ireland*.

the Lords Gormanſton, Slane *and* Lowth *have Correſpondency with the Rebels, That Proviſions will be cut off from them at* Dublin, *therefore they deſire ſpeedy Succors from* England.

After which the King's Anſwer to the Petition and Remonſtrance, was read as followeth.

The King's Anſwer to the Petition concerning breach of Privilege by his Speech.

My Lords and Gentlemen,

IN anſwer to your Petition, concerning Our Speech to the two Houſes of Parliament the 14th *of* December:

Firſt, We do declare, That We had no Thought or Intention of breaking the Privileges of Parliament, neither are We ſatisfied, That Our being informed of any Bill tranſmitted by the Houſe of Commons, to the Houſe of Peers, eſpecially where Our Learned Council are admitted by the Peers to ſpeak on Our behalf, as they were in this Caſe, and therefore Our Directions neceſſary therein, can be judged any Breach of the Privilege of Parliament.

And as for Our taking notice thereof, and deſiring the inſerting of a Clauſe, of ſaving all Rights, We neither did willingly or knowingly do any thing to the Breach of the Privileges of Parliament, but what We did therein, was the great Zeal We had, and ever ſhall have to the ſuppreſſing the Rebels in Ireland, *the quick diſpatch of which Bill, contributed ſo much to the effecting thereof; And it could not but have received great Delay, had it paſſed both Houſes, in a Way whereunto We could not have given Our Royal Aſſent.*

Neither had We any Intention to expreſs any Diſpleaſure againſt any particular Man, for any Opinions or Propoſitions delivered by way of Debate, in either Houſe, for Our Intention was to expreſs only Our general Diſlike of any Queſtions that ſhould be raiſed, eſpecially at this time, concerning Our Prerogative, and the Liberty of the Subject, ſuch as this is, being but a Preamble, which might be left out, without prejudice to the Claim, and could not be approved by Vs, without concluding Our Right.

As for the laſt Demand, That We ſhould declare the Perſons that gave Vs Information, It is no great wonder, That We ſhould get Information of the Contents of the Bill, ſince they were publiſhed in Print before We ſpoke of them; yet though We ſhould have gotten Notice otherwayes, It is a thing much beneath Vs, to name any that ſhould give Vs Information or Council, it being that which We would not impoſe upon any Perſon of Honor.

Our Concluſion is, That We had not the leaſt Thought of breaking the Privileges of Parliament, but ſhall by Our Royal Authority, ever protect and uphold them; And We expect that you will be as careful not to trench upon Our juſt Prerogative, as We will be not to infringe your juſt Privileges and Liberties, and then there will be little diſagreement betwixt Vs hereafter in this Point.

After the reading of which Paper, it was Ordered, *That a Tranſcript of this Anſwer be ſent down to the Houſe of Commons.*

Reſolves of the Lords concerning *Ireland*, and the *Scots* Propoſitions.

The Houſe then entred upon the Conſideration of the *Scottiſh* Propoſitions, and after much Debate, came to theſe three Reſolutions, the Queſtion being put. Firſt, *Whether this Houſe ſhall conſent to ſend* 10000 Scots *into* Ireland, *before it can be aſcertained, that we can and ſhall ſend* 10000 Engliſh.

Reſolved Negatively.

(2) *Whether this Houſe ſhall Conſent to ſend* 10000 Scots *before the Bill for preſſing be paſſed.* Reſolved Negatively.

(3) *Whether this Houſe ſhall joyn with the Houſe of Commons in ſending* 10000 Scots *now into* Ireland. Reſolved Negatively.

In the Houſe of Commons it was Ordered, *That one* H. Walker *ſhall be ſent for as a Delinquent, by the Serjeant at Arms, for being Author as it is affirmed, of the Pamphlet intituled,* A terrible Outcry againſt the Loytering exalted Prelates, *and the making and Printing of this and other Books by the ſame Author was referred to the Committee for Printing.*

Walker a Delinquent for Scandalous Pamphlets againſt the Biſhops, *&c.*

Then Mr. *Peard* Reported from the Committee appointed to conſider of the Obſtructions, in ſubſcribing Hands to the *London* Petition laſt preſented to this Houſe,

Mr. *Peard's* Report from the Committee of Obſtructions to the *London* Petition.

(1) *That the Lord Mayor ſaid they were either ignorant or idle People that did ſubſcribe it.*

(2) *That they did not know into what danger they fell.*

(3) *That it tended to Mutiny.*

For Mr. Recorder, he ſaid, (1) *They did deſerve to be disfranchized, That they did not know into what danger they had run themſelves: And reading of the Petition, when they came to that part of it, that declared the Common Council the repreſentative Body of the City, did deſire the removal of the Biſhop and Papiſts Lords, from the Lords Houſe, Mr. Recorder ſwore* * *by,* &c. *that it was a Lye: and ſaid further, That this Petition did tend to Sedition, and to ſet Men together by the Ears: and being told it was for Peace.* * *No, ſaid he, It is for Blood, and cutting of Throats, and if it come to cutting of Throats and Blood, thank your ſelves, and your Blood be upon your own Heads, That this Petition would rather confirm Epiſcopacy, then otherwiſe; and that he hated a Papiſt, and deteſted this Petition. The Committee having received this Information, and having Power by their Order to ſend for Parties, commanded me to know the Pleaſure of this Houſe, in what manner they would have the L. Mayor and Recorder ſent for, Whether to the Houſe or to the Committee.*

*A pretty kind of Oath, and if it had been true, it is to be ſuppoſed Mr. *Ruſhworth* in whoſe hand this Report is entered, would not have minc't the Matter with an *&c.*

* As the event made appear.

But the Houſe would make no further Order therein, but left the Committee to put their former Order in Execution, according to the Power therein given them.

Mr. *Peard* further Reported, *That there were two Perſons ſent for to the King's Attorney, Serjeant* Glanvile *and Serjeant* Whitfield, *who had this Queſtion asked them, Whether they knew or heard, that ſome of the King's Council ſhould ſay, That ſome of the King's Subjects Throats ſhould be cut.*

Whereupon Sir *Samuel Rolls*, Sir *Robert Cooke*, Sir *Walter Earle* and Mr. *Strode*, were ordered to repair to the King's Attorney, Serjeant *Whitfield* and Serjeant *Glanvile*, and deſire to know of them, *Whether they did not ask ſome Perſons Queſtions, Whether any of the King's Council, or any other ſhould ſay That there would be cutting of Throats ere long, or to that effect, and the Grounds wherefore they asked that Queſtion, and to report the ſame to the Houſe.*

Mr. *Chillingworth*, who for words ſpoken concerning depoſing Princes had been ſent to the Tower, was this Day upon his Petition releaſed.

Mr. *Chillingworth* releaſed from the Tower.

Decemb. 1641.

A Petition exhibited by divers of thoſe Miniſters who Subſcribed it, was this day read. The Petitioners being called in, Dr. *Burgeſs* in the Name of the reſt, did deſire, *That it might not be undervalued for the Paucity of the hands, in regard they might have more hands, but that many of the Miniſters, now againſt* Chriſtmas *were gone to their reſpective Charges*; then they withdrew, and being called in again, Mr. Speaker told them, *That this Houſe takes in good part their general Care for the good of the Church, and believe what they ſay for the having of more hands; the buſineſſes of this Houſe are at this time very great, and that with all convenient ſpeed they did reſolve to take the Petition into Conſideration.* The Petition as I find it in the Collection of the Prints of that time, is as follows.

To the Honourable the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament,

The Humble Petition of ſundry Miniſters intruſted to Sollicite the Petition and Remonſtrance formerly Exhibited to this Honourable Houſe, and many of their Brethren,

Moſt Humbly Sheweth,

The Petition of the Remonſtrating Miniſters, Dec. 20. 1641.

THat the Petitioners do moſt thankfully value, and heartily acknowledge the indefatigable Pains and Piety of this Honorable Aſſembly, manifeſted in very many things of high Concernment for the Glory of God, the Honor of the King, the Purging of the Church, and the Safety and Proſperity of this, and the reſt of His Majeſties Kingdoms; but more eſpecially, in procuring that publick Faſt at your firſt Sitting, which hath prevented many Miſchiefs, and drawn down many Bleſſings upon the Kingdom ever ſince: in your Zeal and Courage for the True Religion profeſſed among us, againſt all Popiſh Idolatry, and Superſtitious Innovations, expreſſed by your Religious Proteſtation and Vow: * *In countenancing the Sacred Ordinance of Preaching, after long and deep contempt caſt upon it, by too many who had almoſt Exiled it from divers Parts of this Kingdom: In incouraging painful and godly Miniſters, formerly ſet aſide, and now again profitably imployed in many Congregations greatly needing them: In diſcountenancing bold and unmeet Men, that without ſufficient calling, have preſumptuouſly intruded into that Holy Office; as alſo of all Unworthy and Scandalous Miniſters, that have been Convented before you: In accepting a former Petition and Remonſtrance from the Petitioners, taking the ſame into your grave Conſideration, and vigorouſly proſecuting ſome part thereof: In freeing divers godly Miniſters out of Priſon and Exile, and many others from heavy Cenſures unjuſtly inflicted: In preventing the utter Ruin of the Petitioners, and of many more, by breaking that wicked Yoak of the late pernicious Oath, and Canons, juſtly branded by both Houſes of Parliament; and by taking away the late dreadful Tyranny of the High-Commiſſion Court, and other illegal heavy preſſures of the reſt of the Courts Eccleſiaſtical: In your worthy Orders for removing of all Illegal Rites and Ceremonies, ſuperſtitious and ſcandalous Images and Pictures, and other Innovations out of all Churches and Chappels: In your prudent, happy and timely re-uniting, without ſpilling of Chriſtian Blood, the two Kingdoms of* England *and* Scotland, *in a firm and Religious Peace, unhappily diſturbed to the apparent endanger-*

*And diſcountenancing the publick Liturgy, and the moſt indiſpenſible Duty of Praying, to make room for this Seditious Preaching.

Decemb.
1641.

endangering of both; in your honourable endeavours to relieve and reſcue our diſtreſsed Brethren in Ireland, *from the barbarous Outrages and Butcheries of the Popiſh Rebels there: In your conſtant Vigilancy to diſcover and defeat the many deſperate and deviliſh Conſpiracies againſt the King, Parliament, and the Kingdom, plotted by Papiſts and their Malignant adherents, implacable Enemies to our Religion and Peace; together with all your excellent Labours for Reforming, and ſettling the Affairs of the Common-wealth, whereof the Petitioners do alſo with others Enjoy the comfort: and the large and bleſſed Hopes given to the Petitioners, of your further indeavours for perfecting the Reformation of Religion, and the Church, according to the neceſſity thereof, in a Way beſt becoming the Honour of ſuch a Grave and Religious Body. All of which, do much Encourage them to pour out their Souls in all poſſible thankfulneſs to God for you, and to put up more fervent Prayers, publiquely and privately upon all occaſions in your behalf at the Throne of Grace.*

But ſo it is, That whereas your Petitioners did in their former Petitions repreſent unto you divers unſufferable Grievances, ariſing from ſundry Invaſions made upon the pullick Doctrine of this Church; from ſome mixtures and blemiſhes in the publick Worſhip of God by Law Eſtabliſhed, as well as from ſundry groſs Innovations and Superſtitions, in Rites and Ceremonies without Law introduced; from many Exorbitancies and unſupportable Vſurpations in Eccleſiaſtical Government; and from the ſcandalous defect of Miniſters maintenance in too many places: All of which do yet remain in greateſt part unremoved, by reaſon of your many neceſſitated diverſions from this great work, for the preſervation of the very Being of this Kingdom; and by means hereof many diſtractions and diſorders about matters of Religion and the Church, have to the great ſcandal and grief of the Petitioners happen'd, and are ſtill continued; which puts them upon a neceſſity of renewing their former Suit for redreſs of the aforeſaid Evils, and for removing whatever ſhall appear to your Wiſdom, to be the Root and Cauſe of them.

And whereas further the Petitioners, and very many others, in whoſe name and behalf they now humbly ſupplicate, deſirous in all things to ſubmit to the Laws, ſo far as poſſibly they may, yet meerly out of tenderneſs and ſcruple of Conſcience, dare not continue, as formerly they did, the Vſe and Exerciſe of ſome things as now they ſtand injoyned, not only becauſe they have more ſeriouſly weighed the Nature and Scandal of them, and that ſundry Biſhops and other grave Divines, called to their aſſiſtance by Order of the Houſe of Peers, have, as they are informed, diſcovered divers particulars needing alteration in the Liturgy, and the Vſe thereof; and that there is not, as they humbly conceive, at this day commonly extant, any Book of Common Prayer, without ſo many Variations, Alterations, and Additions, as render it in many Parts another thing, from that which was by Law Eſtabliſhed; but chiefly becauſe you alſo have vouchſafed to be ſo far ſenſible of the Defects thereof, and of the juſt Scruples of the Petitioners thereabout, as to take the Reformation thereof under Conſideration, which they hoped would be ſome ſhelter againſt the ſtrict preſſing the Vſe of it, till your pleaſure, upon the full Debate thereof, had been declared in a Parliamentary Way; for that it ſeems moſt equal, that the Conſciences of Men ſhould not be forced upon that, which a Parliament it ſelf holds needful to conſider the Reformation of, and give Order in, till the ſame be accordingly done. And the Petitioners having been comfortably aſſured of ſome eaſe therein, do now to their great ſorrow, apprehend, that

that the ſame things are anew reinforced, which (contrary to the bleſſed Inclination and Intention of His Gracious Majeſty) may occaſion much trouble and vexation to ſundry worthy and peaceable Miniſters; which the Petitioners have more cauſe to fear, becauſe ſundry of their Brethren have, ſince the beginning of this Parliament, been Indicted upon the Statute of 1 Eliz. 2. *And others threatned for bare omiſſions of ſome things complained of to this High Court, and ſtill depending before you; whiles in divers places, your Religious Orders neceſſarily made and publiſhed for removing of things illegal, are not obſerved; and, in other places where ſuperſtitious Rites and Practices had by virtue thereof been laid aſide, the ſame are again called back and re-practiſed, without any Check or Animadverſion.*

*And becauſe the Premiſſes are of extraordinary Conſequence, and cannot receive a perfect Cure, but by Authority of Parliament; and that a free Synod of this Nation, * differing in the whole Conſtitution from the preſent Convocations of the Clergy now in Uſe among us, might be, as the Petitioners apprehend, of great Uſe for that purpoſe; and that not only this, but all other your great Conſultations might be much furthered by a more earneſt and aſſiduous ſeeking of God, by the joint and publick Faſting and Prayers of the whole Kingdom in theſe ſad times, ſo full of diſtractions and Helliſh Conſpiracies at home, and bloody Cruelties of thoſe Popiſh Rebels, againſt our own Fleſh and our Bones in* Ireland.

* That is, from the Law wch appoints it, and gives the Members equal Privilege and Protection with the Members of the H. of Commons.

The Petitioners humbly pray, That you would vouchſafe to lay hold upon the firſt opportunity, that your important Affairs will permit of reaſſuming into your further conſideration their former Petition, and to proceed thereupon as you ſhall find cauſe, either by committing the ſame to the Debate, and Diſquiſition of a free Synod, or otherwiſe; and in the mean time to become Mediators to His Gracious Majeſty, who could not take notice of their former Petition to this Honourable Houſe, for ſome relaxation in matters of Ceremonies, and of reading of the whole Liturgy, which as the Petitioners verily believe and hope to prove, have been of late times urged further then ever the Law intended: And a free Synod, of Grave, Learned, and Judicious Divines of this Kingdom, the Dominion of Wales, *and the Iſlands adjacent, may be by the Authority of Parliament Indicted, for the more through and fruitful Debate of the Premiſſes, to expedite a full Reformation, by the High Court of Parliament, for the ſetling of a Godly and Religious Order and Government in this Church, as your Wiſdom ſhall find convenient: And that a publick Faſt may be Commanded, and Religiouſly obſerved throughout the Kingdom, once in every Month, during your ſitting in Parliament, for the more effectual procuring of Gods protection of your Perſons, and of his bleſſing upon your proceedings; and till the miſeries of our Brethren in* Ireland *be happily put to an end.*

And the Petitioners ſhall be ready further to attend the pleaſure of this Houſe, with their Reaſons of their preſent Suit for a free Synod of this Nation, and of a new Conſtitution thereof, differing from thoſe now in Being, when they ſhall be required; and to pray without ceaſing, &c.

Were I to give Inſtructions to draw the Exact Pourtraicture of a Non-Conforming-Conforming Church Hypocrite, with Peace in one hand, and Fire and Sword in the other; with a Conſcience like a Cockle-ſhell, that can ſhut ſo cloſe when he is under the fear of the Law, or loſing his Living, that you cannot Croud the ſmalleſt Scruple into it; but when

Decemb. 1641.

when a tide of liberty wets him, can lay himſelf open, and diſplay all his reſentments againſt that Government in the Church, to whoſe Laws he had ſworn obedience, and by that horrid ſin of Perjury, muſt confeſs himſelf a Villain of no manner of Conſcience, to Swear without due Conſideration, and to break his Oath without a lawful Determination that it was unlawful, I would recommend this Petition as a rare Original to Copy after.

I cannot tell how it will reliſh with the Readers Palate, but I muſt profeſs my ſelf ſo tyred with this miſerable *Crambe*, that I am under the irreſiſtable temptation of refreſhing my ſelf, with laying aſide for one moment the Gravity of an Hiſtorian, and Burleſquing the intolerable Flatteries of this Petition, and theſe Hypocritical Petitioners, by making them ſpeak Truth; for in their Courtſhip to the Faction, for whoſe *Gouſt* this delicate Petition was Cook't and Spiced, when they recount their wonderful Atchievments in the Work of Reformation, there is ſtill I find a Supplement of ſome material Truth, in matter of plain Fact wanting, which I will make bold to add. They acknowledge the Pains and Piety of the Faction manfeſted in many things of high concernment for the Glory of God, *by affronting his Solemn-publick Eſtabliſhed Worſhip*; the Honor of the King, *by indeavouring to degrade him, and divert him of the Beams of Majeſty, his Royal Prerogative*; the purging of the Church, *by purging it quite out of the Kingdom*; they commend their Zeal and Courage for the true Religion, againſt all Popiſh Idolatry and Superſtitious Innovations, *manifeſted by letting in a whole Flood of Errors, Hereſies, Sects and Schiſms, at the Breach of the Banks of the Church-Government, by tender Conſcience*; in encouraging Preaching, *of Sedition and Diſobedience to Laws, Government and Governors, and juſtling out all Praying out of the Church, except the Wild, Extravagant, Dangerous, Libelling, Extempory Enthuſiaſms of bold and preſumptuous Men, who called their own acquired Art of Impudent Non-ſence, a gift of the Spirit, as doubtleſs it was of that Spirit which rules in the Children of Diſobedience*; in encouraging painful godly Miniſters formerly ſet aſide; *and juſtly, for Preaching Sedition, Schiſm and Faction, for good Divinity*; in diſcountenancing bold and unmeet Men, *that darſt Preach the Doctrine of rendring to* Cæſar *the things of* Cæſar, *and to God the things of God*; that without ſufficient calling, preſumptuouſly intruded into that Holy Office, *by only gently reproving them for the preſent, and afterwards permitting Tagg and Ragg, Godly Coblers, and Gifted Tinkers, Zealous Taylors, and the moſt ſordid, illiterate Mechanicks to invade the Pulpit; to viliſie the Petitioners, with the Title of Hirelings, dumb Dogs,* Baal's *Prieſts*, &c. *by* Adonibezeck's *Law, without Controul or Animadverſion from the Honorable Faction*: for taking away the Tyranny of the High-Commiſſion and Eccleſiaſtical Courts, *and ſetting Mens Tongues at liberty to Rail without Reaſon, to Quarrel with their Superiors without Cauſe, to affront them with impunity, and in concluſion to Murther them Religiouſly, and in the Fear of the Lord*; for their worthy Orders for removing illegal Rites and Ceremonies, Superſtitious and Scandalous Pictures, and other Innovations, *and ſetting up in their ſtead the Bell and Dragon of theſe Mens Inventions; and for bringing in the greateſt Innovations, a Church without a Biſhop, a Religion without Divine Service, a Miniſter without Lawful Ordination, a Chriſtian without Baptiſm, a Sacrament without Conſecration; and at laſt, a Heaven without Repentance of any, or all theſe horrid Sins and Incapa-*

Decemb. 1641.

cities: For their Care to ſuppreſs the *Iriſh* Rebellion, and Butcheries of the bloody Papiſts; *by imploying the Men and Money raiſed for that Service, to butcher the Loyal Proteſtants in* England, *who held the Popiſh and Malignant Doctrine, that they ought to Fear God, and Honor the King, and die at the Feet of their Sacred Sovereign, in defence of his Perſon, Crown and Dignity, againſt theſe Religious Rebels.* But, *Manum de Tabulâ*, I will not Tire my ſelf and the Reader with Epitomizing their Villanies, which are able to fill Volumes, and with which he will find theſe ſtow'd.

Tueſday, Decemb. 21. Meſſage from the Commons concerning *Ireland.*

Now to the Oar again. A Meſſage was brought this Morning from the Commons by Sir *Philip Stapleton* Knight, *That the Houſe of Commons laſt night had laid before their Lordſhips the miſerable Eſtate of the Kingdom of* Ireland, *and deſired their Lordſhips to take the buſineſs into ſpeedy Conſideration: Since the Houſe of Commons underſtand that* Dublin *is in great danger to be loſt,* 600 *Men being cut off by the Rebels in going to relieve* Tredagh; *The Houſe of Commons deſires that all ways may be uſed for the preſervation of that Kingdom; and they conceive the beſt way to ſave* Dublin, *is by way of diverſion, to ſend the* Scots *ſpeedily into* Ulſter; *therefore, the* Scottiſh *Commiſſioners being to ſend away into* Scotland *to morrow Morning, the Houſe of Commons deſires their Lordſhips would joyn with them in the Propoſitions received from the* Scots *Commiſſioners, that ſo Men may be ſent into* Ireland *ſpeedily. The Houſe of Commons having done this, they do declare, that if there be any Omiſſions, they deſire to clear themſelves of any thing as may fall upon* Ireland.

The Anſwer returned was, *That the Houſe is not now full, but as ſoon as it is, they will take the matter of the Meſſage into Conſideration.*

Then the Lord *Kymbolton* Reported to the Houſe the Two Propoſitions delivered to the Lords Committees, by the Committee of the Houſe of Commons.

2 Propoſitions, 1ſt. for adjourning or Proroguing the Parliament in *Ireland.*

The firſt Propoſition was, *That the Parliament of* Ireland *may be Prorogued or Adjourned, and that for theſe Reaſons.*

Firſt, Becauſe the Proteſtants cannot come without danger, the Papiſts may.

Secondly, To Reſort to Dublin *may make ſcarcity of Victuals.*

Thirdly, The coming of many Papiſts with their followers, may endanger the ſurprize of the Caſtle.

That the Parliament may not meet to do any Act as they did before, the Diſſolving of the Parliament is thought to be ſafeſt.

2 Propoſition.

The ſecond Propoſition is, *They are informed, that by the Law of* Ireland, *if the Deputy ſhould dye, the Lords may chuſe their own Governor, Therefore the Houſe of Commons deſire that ſome ſettled Commiſſion may be, in caſe the Deputy miſcarry by Death, that may appoint who ſhall be Governor.*

The Houſe then fell upon the Debate about ſending 10000 *Scots* into *Ireland*, and Reſolved at a Conference to offer theſe two following Propoſitions to the Commons.

(1.) *To deſire to know, what certainty That Houſe will give This, that if their Propoſition concerning the preſent going of* 10000 Scots *into* Ireland *be agreed unto, That* 10000 Engliſh *may ſpeedily follow.*

(2) *Whether they will concur with this Houſe, That* 10000 Engliſh *ſhall go as well as* 10000 Scots, *and that the King be moved to give Aſſent thereunto, and a Meſſage for a Conference was ſent accordingly by Sir* Robert Rich *and Mr.* Page.

Another Meſſage from the Commons concerning *Ireland*

A Meſſage was brought from the Houſe of Commons by Mr. *Denzil Hollis, That the Houſe of Commons had lately attended their Lordſhips, to deſire them to concur with them in their Deſires, concerning the lamentable Condition of the Kingdom of* Ireland, *and that their Lordſhips would be pleaſed to take ſpeedy Reſolutions therein.*

Alſo he ſaid, *he was to preſent to their Lordſhips, a Petition preſented to the Houſe of Commons from the Lords, and divers Gentlemen of* Ireland *now in* London, *which the Houſe of Commons deſires their Lordſhips would be pleaſed to take into ſpeedy Conſideration; for the Houſe of Commons ſay, they can think of nothing but* Ireland, *nor ſpeak nothing but* Ireland.

The Reader may obſerve, how great Artiſts theſe Men were in appropriating to themſelves, whatever was highly Popular, as at this time this Affair of *Ireland* was, and how they endeavoured to engroſs all the Care and Concern for that Kingdom to themſelves, tacitly accuſing the Lords, who for the Honor, and it may be the Intereſt of *England*, made ſome difficulty to conſent to the ſending 10000 *Scots*, except 10000 *Engliſh* might alſo be ſent, but they had a very great Work to do by the help of Popularity, and it can be no wonder to ſee thoſe, who have ſuch Deſigns as they had then on Foot, make ſuch warm and zealous Court and Application to the Populace; ſince Experience in all Times and Places has laid it down, as a Mark of dangerous Suſpition, and aſpiring Intentions in Subjects, when they come to invade this Prerogative of Princes, who alone ought to ſtudy Popularity; and certainly that Subject, who indeavors to rival his Prince in the Affections of his People, cannot but be ſuſpected, to Deſign to rival him in his Authority too, there being ſo near an Union, between the Power of the Prince, and the Love of the Subjects, that whoever attempts to commit a Rape upon the later, cannot be ſuppoſed to have any Chaſt and Dutiful Thoughts towards the former.

But to return from this ſmall Digreſſion, The Petition before mentioned was read *in hæc Verba*.

To the Honorable Houſe of Commons.

The Humble Petiton of divers Lords and Gentlemen of *Ireland* now in *London*.

Humbly Shewing,

The Petition of the *Iriſh* Lords and Gentlemen, to the Houſe of Commons *Dec.* 21, 1641.

That your Petitioners have received many and particular Advertiſements, from all thoſe Parts of the Kingdom of Ireland, *which ſet forth the Univerſal Deſolations made in ſuch Plantations of the* Britiſh *both* Engliſh *and* Scotch, *wheresoever the barbarous* Iriſh *Rebels have come, to the utter Deſtruction both of the Perſons there Inhabiting, and extirpating of the Reformed Proteſtant Religion there ſet up, through the Royal Care and Piety of King* James *of bleſſed Memory, and his Majeſty that now is, and preſerved by the great Induſtry, and Pious Indeavors of near 40 Years travel, by thoſe who have ſpent their whole Lives, in reducing that Kingdom to*

Decemb.
1641.

Civility, which is now utterly deſolated, by the Proceedings that have been found ſo matchleſly Cruel, that no Age nor Story can Parallel their Inhumanities, ſome whereof, your Petitioners are informed have been touched upon by Advertiſements, already brought to this Honorable Houſe, whereof there is ſuch great variety, that Volumes were but little enough to contain the Particulars, many thouſands of Men, Women and Children, being mangled on the Face of the Earth, crying lowd to God, and theſe neighbor Kingdoms, for relief againſt thoſe Monſters, whoſe Conſpiracy is now ſo Univerſal, that ſmall Aids will be not only inconſiderable to effect the Work, but a Means to lengthen the War, with the loſs not only of the Treaſure applyed therein, but alſo of the Perſons imployed, who being but few, will be in danger to be given up to the Cruelties of the Rebels, who by that means, which God prevent, will gain, not only great acceſs to their Numbers, but which is more conſiderable, that experience in War, and Uſe of Arms, as may render them infinitely more able to make Reſiſtance againſt your hereafter Supplies. Theſe Particulars, your Petitioners out of the deep Senſe they have of the Calamities incumbent on that, and in danger to fall on this Kingdom, with all Humility crave leave to preſent, moſt humbly deſiring, that in purſuance of the Zeal and Fervency already ſhewn to the Glory and Worſhip of God, to the Honor and Renown of his moſt Excellent Majeſty, both which are now ſtrongly aſſaulted and puſh't at, and out of the Tender Commiſſeration already Expreſſed for Relief of that bleeding Kingdom, That this Honorable Aſſembly will repreſent ſuch prevalent Arguments unto his Sacred Majeſty and the Houſe of Peers, That the 10000 *Men tendred by the Kingdom of* Scotland, *and accepted of by this Honorable Aſſembly, may be ſpeedily Ordered to reſort into* Ulſter; *not but that We do deſire there may be as great a Proportion of Soldiers ſent out of this Kingdom, as ſoon as they can be prepared, if ſo it may pleaſe his Majeſty and both Houſes of Parliament, the Contagion of the Rebellion in* Ireland, *having ſpread it ſelf over ſo many other Parts of the Kingdom, and yet daily more and more increaſing, as will require the ſervice of thoſe who ſhall be ſent out of* England, *for the Subdual of the Rebels, and Comfort of his Majeſties good Subjects in the other Provinces. But foraſmuch as your Petitioners many of them whoſe whole Eſtates, and ſome of their Wives, Children and neareſt Kindred or Friends are already in the Hands and Poſſeſſion of thoſe Barbarous Bloody Rebels of* Ulſter, *and that they have more than ordinary Cauſe to fear, That the remaining Proteſtant Party, together with the important Towns of* Carrickfergus, London-Derry, *and* Colerain, *being the chiefeſt Bullworks and Fortreſſes of that Province, may for want of ſpeedieſt Relief be ſurprized and deſtroyed, and by that means the reſt of the Kingdom Extreamly indangered, to the irreparable dammage, and diſcomfort of his Majeſty and all his Good and Loyal Subjects, of all his Dominions; Therefore your Petitioners do moſt inſtantly ſupplicate this Honorable Aſſembly, to endeavour the haſtening thither with all poſſible Expedition the* 10000 *Men out of* Scotland, *whoſe Aſſiſtance being within Three hours Sail, may be ſooneſt conveyed, and whoſe Conſtitutions will notably match with the Rebels, being well able, as many of theſe Petitioners have known by former Experience, to follow them through the Boggs, and Mooriſh places, frequent in thoſe Parts during this Winter Seaſon, which other Supplies may not be ſo fit for at preſent. This Number added to thoſe Raiſed, and to be raiſed in thoſe Parts, through Gods Bleſſing, may ſoon Check thoſe Inſolencies, and contribute much for reducing that Kingdome to due Obedience, and yield unſpeakable Comfort and Relief, to many*

Thouſand diſconſolate bleeding Proteſtant Souls, who have long languiſhed in Expectation of Aid from that and this Kingdom, the longer retarding whereof will carry loud Cries to Heaven againſt thoſe who cauſe the ſame.

And your Petitioners ſhall pray, &c.

A. Loftus, Ro. Digby, Tho. Foliot, Hen. Blaney, Fr. Mountnorris, Cromwell, Edward Loftus, Arthur Jones, Geo. Blundel, Robert King, Jo. Clotworthy, Faith. Forteſcue, Joh. Moor, Arthur Anneſley, Rob. Packhurſt, Ra. Walles, Tho. Forteſcue, Ro. Whiſtler, Nicholas Loftus, Rich. Fitz-Gerrard, Rich. Perkins, Jo. Davis.

The Anſwer of *Inego Jones* to the Complaint of the Commons.

After the Reading of this Petition, *Inego Jones* Eſquire, Surveyor of his Majeſties Works, put in his anſwer to the Declaration of the Commons in behalf of the Pariſhioners of St. *Gregories*, *London.*

At which day the ſaid *Inego Jones* Eſquire appeared before the Lords in Parliament, and being demanded what he could ſay in Anſwer to the Declaration brought up from the Houſe of Commons againſt him; He the ſaid *Inego Jones* for Anſwer thereunto ſaith, *That he is not Guilty of the Offence charged in the ſaid Declaration, in ſuch manner and Form as therein is Expreſſed.*

Whereupon *Friday* Fortnight was ordered for the day of hearing the Cauſe.

It was alſo Ordered, *That the Lord Viſcount* Loftus, Ro. *Lord* Digby, *Lord* Foliot, *Lo.* Docura, *Lo.* Blany, *Lord* Mountnorris, *Sir* Faithful Forteſcue, *Sir* Robert King, Edw. Loftus, Nich. Loftus, Arthur Jones, Geo. Blundel, John Moor, Arthur Anneſley, Ro. Whiſtler, Jo. Davis, Richard Fitzgerrard, *and* Rich. Perkins, *do attend the Lords Committees for* Iriſh *Affairs to morrow at 9. of the Clock in the Painted Chamber, who are to hear what Reaſons they can give concerning the putting off the Parliament of* Ireland.

After which the Lord Keeper reported the Effect of the Conference, and an Anſwer to their Lordſhips Two Propoſitions offered to the Houſe of Commons this day,

A Smart Anſwer of the Commons to the 2 Propoſitions of the Lords for ſending 10000 *Engliſh* as well as 10000 *Scots* into *Ireland.*

(1.) *For the Certainty which their Lordſhips deſire of ſending* 10000 Engliſh *into* Ireland, *the Houſe of Commons ſay, That they were not Uſed to be Capitulated withall; their Actions are free as well without Conditions as Capitulations, and the Houſe of Commons deſire it may be ſo no more.*

(2ly) *The Houſe of Commons think they have given ſufficient certainty already, having formerly Voted the ſending of* 10000 Engliſh *into* Ireland, *and tranſmitted the ſame to their Lordſhips, and likewiſe ſent the ſame into* Ireland, *therefore they think it not neceſſary to Vote it again, but do deſire their Lordſhips would Vote the ſending of* 10000 Scots *to* Ireland *by it ſelf, without any Relation to the* 10000 Engliſh, *and that ſpeedily, the Safety of* Ireland *depending upon it.*

Further, the Houſe of Commons do deſire their Lordſhips to do it, in regard they conceive the 10000 Engliſh *can not go, unleſs the Bill for preſſing paſſes.*

This laſt Clauſe eaſily unriddles all the reſt, they had a Deſign to clip the Prerogative by that Bill, and to put the iſſue of paſſing, or not paſſing it upon this popular Theme of the Tragical neceſſity of *Ireland*; when if they would have raiſed Mony, there would not have wanted

10000 *Engliſh* Soldiers, without preſſing for that Expedition, or any other, the Genius of the Nation having ever been Martial, and rather too forward to run into Arms, then otherwiſe, at the Beat of the Drum.

Votes of the Lords for 10000 *Engliſh* & 10000 *Scots* for *Ireland*.

The Houſe of Lords was immediately then reſolved into a Committee of the whole Houſe to debate this Conference, and the Houſe being reſumed, It was Reſolved, *Nemine contradicente, That* 10000 Engliſh *ſhall be ſent into* Ireland.

Reſolved upon the Queſtion, *That* 10000 Scots *ſhall be ſent into* Ireland, *upon ſuch Conditions, as ſhall be agreed upon by the Parliament of* England.

Ordered, *That the Lords Commiſſioners do acquaint the* Scots *Commiſſioners with the aforeſaid Votes, and to let them know, That this Houſe hath entred into Conſideration of their Propoſitions, and will give them an Anſwer herein with all Expedition.*

It was alſo Ordered, *That the Committee for keeping of a good Correſpondency between both Houſes, ſhall meet on* Friday *Morning, to take into Conſideration this laſt Meſſage, brought up from the Houſe of Commons.*

The Commons ſtaying in the Painted Chamber, all this while for an Anſwer to the Meſſage, the Lords went to acquaint the Houſe of Commons, with what was Voted.

Juſtice *Long* diſcharged from the Tower.

Dr. *Gray* ſent for as a Delinquent.

In the Commons Houſe Mr. *Long*, who had been ſent to the Tower for ſigning the Warrant for the Halberdeers to Guard the Parliament, was upon his Petition this Day releaſed.

A Complaint having been Exhibited againſt him, It was Reſolved, *That Dr.* Gray *Parſon of* Ponteland *in the County of* Northumberland, *ſhall be forthwith ſent for as a Delinquent, by the Serjeant at Arms attending on this Houſe.*

Volunteers for *Ireland*.

Several Letters were then read from *Ireland*, one from Sir *William Brereton*, giving Information, *That Sir* Simon Harcout's *Regiment is compleat, and that there are* 4 *or* 500 *more cheerful Volunteers, which are ready to go, if they had Commiſſion.* This plainly confirms what before was ſaid, *That the Neceſſity of the Bill for preſſing Men, was only to oppreſs the Royal Prerogative.*

Mr. *Pym* informed the Houſe, *That this was moved at the Committee laſt Night, and that the Earl of* Leiceſter *Lord Lieutenant of* Ireland, *had aſſured them, he would take Care for the ſpeedy Tranſporting of theſe Volunteers.*

The Houſe then fell upon the Conſideration of the Bill, for raiſing 400000 *l.* for the Affairs of *Ireland*, &c.

The Officers of the late Army, having alſo Petitioned for their Arrears, there was an Order to pay them 13000 *l.* being the Moiety of what was due to them.

Amidſt all this Heat of Publick Affairs, and the great Zeal for *Ireland*, ſtill the Faction found leiſure, to perſecute the Loyal and Orthodox Clergy, upon the Informations of their implacable and reſtleſs Enemies the Non-Conformiſts and Schiſmaticks; for this Day the Committee for ſcandalous Miniſters was revived, and appointed to meet upon *Thurſday* Morning at Eight of the Clock, ſo that *Wedneſday* being the Faſt, was to be the Prologue to their Smiting with the Fiſt of Wickedneſs.

Alderman *Pennington* an Informer againſt the Miniſter of *Grace-Church.*

It was alſo Ordered, *That Alderman* Pennington *do take Care to bring in the Witneſſes of the Pariſh of* Grace-Church, *to teſtify that Information he gave the Houſe this Day againſt the Miniſter of that Pariſh.*

Dr. *Beal* referred to the Committee for Scandalous Miniſters.

Alſo it was Ordered, *That the Committee for the Bill for Scandalous Miniſters, do take into Conſideration, the Matter informed of againſt* Dr. Beal *on* Thurſday *next.*

The Lord Keeper this day reported a Conference had with the Commons, *That the Houſe of Commons have brought up to their Lordſhips a Propoſition of the* Scots *dated* 20th Dec. 1641. *concerning the* 2500 *Men, as alſo the Reſolution of the Commons thereupon, which they deſired their Lordſhips to joyn with them in.*

Thurſday, Decemb. 23.

Then the ſaid Propoſition was read, as alſo the Reſolution of the Commons, *That they do undertake to pay the* 2500 *Men already entertained in* Scotland, *from the* 8th *of* December *to the end of the Treaty according to the Pay, ſetled them in* Scotland; *which being read the Houſe of Lords aſſented to it.*

After which, a Meſſage was brought from the Houſe of Commons by Mr. *Waller. That the Houſe of Commons conceive ſome Cauſe to Examine* Daniel O Neal *further as a Delinquent, but not upon Oath, and ſeeing he is their Lordſhips Priſoner, committed to the* Gate-Houſe *upon an Accuſation of High Treaſon, That their Lordſhips would pleaſe to give way, that ſome Members of the Houſe of Commons may Examine him; and alſo to deſire their Lordſhips to ſit a while, for that the Houſe of Commons will come up to their Lordſhips with ſome Buſineſs concerning the Safety of the City.*

To which the Anſwer was, *That their Lordſhips do give way that ſome Members of the Houſe of Commons, may aſk Mr.* O Neal *any Queſtions, as they ſhall think fit, and that this Houſe will ſit a convenient time as is deſired.*

Conference concerning diſplacing *Belfour*, and making *Lunsford* Lieutenant of the Tower.

This Matter of the Safety of the City, was delivered at a Conference, *That the Houſe of Commons repreſented to their Lordſhips, that they had received Information, That Sir* William Belfour *Knight, Lieutenant of the Tower of* London *approved for his Fidelity, is put out of his Place, and one Colonel* Lunsford *put into his Place, concerning whom the Houſe of Commons had received a Petition, which they deſired their Lordſhips to conſider of.*

The Faction were reſolved to diſlike what ever the King ſhould do, and to give countenance to their Proceedings, they had Petitions and Petitioners ſtill in a Readineſs, to make it appear, that they moved upon that Foot, when in reality, they themſelves and their Agents, were the Ingineers of thoſe very Petitions.

The Petition was read in the Houſe of Lords, and was in *hæc Verba.*

To the Honorable the Knights, Citizens and Burgeſſes of the Commons Houſe of Parliament.

The Humble Petition of divers Common-Council Men, and others of the City of *London.*

The Factious Londoners Petition concerning the placing *Lunsford* in the Tower.

Sheweth,

T*Hat whereas the Tower of* London, *was originally ordained for Defence of this City, and to be the Chief Magazine of the Kingdom, and that the whole State is deeply intereſſed in the ſafe Cuſtody thereof, but* *more eſpecially the ſaid City, which lately hath been put into Fears of ſome dangerous Deſign from that Cittadel, whereupon it pleaſed this High Court to mediate with his Majeſty, for removing of thoſe Fears. And whereas the Petitioners are informed that Sir* William Beltour, *a Perſon of Honor and Truſt, is diſplaced from the Office of Lieutenant, and the ſame Place beſtowed upon a Man Out-lawed and moſt Notorious for Outrages, Colonel* Lunsford, *and therefore fit for any dangerous Attempt; the Petitioners, and many more who have Intelligence thereof, are thereby put into ſuch a hight of Fear and Jealouſy, as makes them reſtleſs, till they have diſcharged their Duty, in repreſenting the ſame to this Honorable Houſe.*

May it therefore pleaſe this Honorable Aſſembly, to take the Premiſſes into ſuch Conſideration, as may ſecure both the City and Kingdom, againſt the Miſchiefs which may happen, as to your great Wiſdom ſhall be found moſt fitting.

And your Petitioners ſhall pray, &c.

Randal Manwaring, Maximilian Beard, Edw. Gitting, Jo. Pocock, Sam. Warner, Geo. Thomſon, Stephen Eſtwick, Ric. Price, Ric. Turner.

The Houſe of Commons do further ſay, That the ſaid Colonel Lunsford *is an unfit Perſon to be Lieutenant of the Tower; For,*

The Commons Reaſons againſt *Lunsford's* being Lieutenant of the Tower.

(1.) *They ſay he is a Man of a decayed and deſperate Fortune, and ſo may be tempted to undertake any ill Deſign; and they conceive it will be very prejudicial to the King and Kingdom, for him to be in that place, in this time of Fears and Jealouſies; eſpecially to the Mint in this time of great occaſions to uſe Monies, for it will diſcourage Merchants and Strangers from bringing in their Bullion into the Mint.*

(2.) *The Houſe of Commons ſay, That Colonel* Lunsford *is a Man of a deſperate Condition, he having been formerly Cenſured in the Star-Chamber, for lying in Wait, and beſetting Sir* Thomas Pelham *Knight, as he came in his Coach upon a* Sunday *from Church, and did diſcharge two Piſtols into the Coach.*

Alſo, being challenged into the Field by one Captain Buller, *upon ſome injury offered to him by the ſaid Colonel* Lunsford; *Colonel* Lunsford *refuſed to Anſwer him, but ſent him word he would cut his Throat, and would meet him with a Piſtol, and put out his other Eye.*

(3.) *The Houſe of Commons ſay, That they are informed that Colonel* Lunsford *is not right in his Religion; for they underſtand, that when he was a Commander in the North, in the Kings Army, he did not go to Church though he was deſired.*

The Houſe of Commons conceiving this buſineſs concerns the ſafety of the King, City, and Kingdom, they deſire their Lordſhips would be pleaſed to joyn with the Houſe of Commons to Remonſtrate theſe things to the King and to deſire him, that a Place of ſuch importance may not be put into the hands of ſuch a Man as Colonel Lunsford, *but that if His Majeſty think Cauſe that there ſhould be a Lieutenant of the Tower, being under the Command of ſuch an Honorable Perſon as the Earl of* Newport, *who is Conſtable thereof by His Majeſties appointment, that Sir* John Conyers *may be recommended to his Majeſty for that Place.*

The Lords refuſe to joyn with the Commons to move the King to diſplace *Lunsford.*

After a long Debate of this Conference, the Queſtion was put, *Whether this Houſe ſhall joyn with the Houſe of Commons in the whole Matter of this Conference*; And it was Reſolved Negatively.

The firſt thing that was done in the Commons Houſe this day, was an Order, *That Mr.* Calamy *and Mr.* Marſhal *ſhall be deſired to Print* their

Decemb. 1641.

Thanks of the Houſe and a Plate of 20 *l.* a piece, Ordered *Calamy* and *Marſhal*, and to print their Faſt Sermons.

their Sermons they yeſterday Preach'd at St. Margarets Weſtminſter, *at the intreaty of this Houſe; and Sir* Arthur Ingram, *and Sir* Tho. Barrington *are deſired to return them Thanks from this Houſe; and it was likewiſe Ordered, That they ſhall have a Piece of Plate of* 20 l. *a piece given unto them, and Sir* Arthur Ingram, *and Sir* Thomas Barrington *are to think of ſome convenient Courſe for raiſing the ſaid Monies.*

Then the Kings Anſwer to the Petition of the firſt of *December* was read, and referred to the Committee that prepared that Petition, to frame an Anſwer unto it, and preſent it to the Houſe, and to meet this Afternoon at Four of the Clock in the Inner Court of Wards.

It was alſo Ordered, *That the Gentlemen that ſerve for the City, and Mr.* Tompkins, *Mr.* Martin, *and Mr.* Peard, *ſhall inquire in what hands the Tower of* London *now is.* From which is plain from what Quarter of the World the Petition againſt *Lunsford* came.

Captain *Leg* was alſo this day Ordered to be Bailed.

Then the Petition of the Apprentices, and others whoſe times are lately Expired, in and about the City of *London* was read; and the Parties that preferred this Petition were called in, and Mr. Speaker told them, *That this Houſe doth approve of the manner of the delivery of their Petition, and the Interruptions complain'd of, they will conſider of when proofs ſhall be produced; they will likewiſe conſider of the deſires of their Petition, when the great Affairs of this Houſe ſhall permit.* And their Complaints were referred to the Committee appointed to conſider of the Interruptions in preferring the Petition from the City of *London.*

All the World was now run into one Trade, and that was State-mending, and Church-modelling, in which matters the Godly and Well-affected have ever had in their own opinion ſuch a peculiar Gift, that every little Blew-Apron-Boy behind the Compter undertakes as boldly, as if he had ſerved an Apprenticeſhip at the Council-Board; and becauſe Poſterity ſhall be ſatisfied this is no abuſe, I here preſent the Reader with theſe Indenture-mens Petition, as I find it among the Prints of the Time; for they had the vanity, after having preſented it, to think it would turn to account to Print and Publiſh it too, to help Trading and procure Cuſtom.

This Petition, which by theſe young Reformers was addreſſed to the King, but preſented to the Commons with a multitude of Names, who could not write, and by conſequence neither read nor underſtand Common Senſe, was as followeth.

The Apprentices Petition.

WHereas we of the loweſt members of the City and Kingdom, touched with the common Senſe of all good Subjects, do by Experience find, both by our own and our Maſters Tradings, the beginning of great Miſchief coming upon us, to nip us in the bud, when we are firſt entring into the World: the Cauſe of which we can attribute to no others, but to the Papiſts and Prelates, and that Malignant Party which adheres unto them. And where as by the late Proteſtation we ſtand ſolemnly ingaged in the preſence of Almighty God, by all lawful means with the utmoſt of our Lives, Power, and Eſtates, to defend your Sacred Majeſty and Royal Iſſue, with the Rights and Liberties of Parliaments, and all your Majeſties Subjects, againſt Papiſts and Popiſh Innovators, ſuch as Arch-Biſhops, Biſhops and their dependants appear to be the Extirpation of which Government, Root and Branch, by ſeveral Petitions from this City, and many parts of this Kingdom have been humbly deſired. We hold it our bounden Duty, after

Decemb. 1641.

long Expectation of due and juſt Proceedings againſt the forenamed Papiſts, and Popiſh Innovators, now at the laſt to become moſt humble Suitors, to your Majeſty in this preſent Parliament, that you would pleaſe to take Notice that notwithſtanding the much unwearied pains and induſtry of the Houſe of Commons to ſubdue Papiſtry and Popiſh Innovators, neither Popery is ſubdued, nor Prelates are yet removed, whereby many have taken great incouragement deſperately to Plot againſt the Peace and Safety of this and other your Majeſties Dominions, Witneſs the moſt barbarous and inhumane Cruelties perpetrated by the Papiſts now in Ireland. *From whence ariſeth in us a new Spring of fears and jealouſies, what the Iſſue of theſe things may be, in this your Kingdom of* England *alſo, without a ſpeedy and timely prevention of the ſame.*

In hope therefore of your Majeſties willing readineſs by the advice of this Honourable Court of Parliament to provide for our preſent Relief and Safety, We Humbly Supplicate, that the Popiſh Lords and other eminent and dangerous Papiſts in all parts of this Kingdom, may be narrowly look'd unto and ſecured, the Laws againſt Prieſts and Jeſuits fully Executed, the Prelacy Rooted out, that ſo the work of Reformation may be proſperouſly carried on, our diſtracting fears removed, the weighty Affairs of the Kingdom ſettled, and conſequently God may delight in the preſent and ſucceeding Ages to dwell in this Land, the freedom of Commerce and Trade may paſs on more chearfully for the incouragement of your Petitioners, and that the flouriſhing and peaceable Reign of your Majeſty may be long continued and increaſed among us.

For all which your Petitioners
ſhall ever Earneſtly Pray, &c.

James Freſhwater, John Page, Henry Crewkern, John Caudry, Thomas Clement, Will. Bently, with a number of Markes and Names.

Mr. *Quelch* a Miniſter of St. *Bennet Grace-Church*, ſent for as a Delinquent.

A Petition of the Inhabitants of St. *Bennets Grace-Church*, againſt Mr. *Quelch* their Miniſter was read; whereupon it was Reſolved, &c. *That Mr.* William Quelch *be forthwith ſent for as a Delinquent by the Serjeant at Arms attending the Houſe.* And the Petition was referred to the Committee for Scandalous Miniſters.

The City Petition, of which before, was alſo read, *ut ſupra*, in the Proceedings in the Lords Houſe.

Friday, Decemb. 24.

This Day a Petition from ſome Citizens of *London* was preſented to the Houſe of Lords, which was read in their preſence, *viz.*

To the Right Honourable the Lords Aſſembled in this preſent Parliament,

The Humble Petition of divers Citizens, Merchants, and others of London, *Trading in the Realm of* Ireland.

Sheweth unto your Lordſhips,

The Petition of ſeveral Merchants, to the Lords concerning *Ireland*.

THat *your Petitioners on the behalf of themſelves, and other Merchants, Shop-Keepers and others Trading into the Realm of* Ireland, *whoſe Eſtates to the value of above a Million of Money lie involved in the deſperate Condition of that Kingdom, as alſo on the behalf of the whole Proteſtant Party of that People reduced to unſpeakable Extremity* *in their Lives and Fortunes, as by our daily Letters from thence, we are informed to our great Grief. We moſt humbly beſeech your Lordſhips, That you will be pleaſed to conſider the Sad Condition of them and us, in our reſpective Intereſts, and lay aſide all things that may trouble the Way, to the Relief of that Wretched State; which without Speedy and Effectual Aſſiſtance, will not be able to ſerve his Majeſty in the reſiſtance of the Rebels there, nor ſhall we be able in our ſeveral Degrees and Conditions to do his Majeſty, your Lordſhips, and the whole Realm that Service in our ready Compliance with the Great Affairs of this Kingdom, as we ſhould, and would moſt willingly perform to the uttermoſt of our Abilities. This, My Lords, we moſt humbly offer to your Lordſhips, as a Conſideration, whereupon that Kingdom depends, beſides many Thouſands depending upon us the Petitioners in our Trades, that are here Equally concerned with them of* Ireland *in our Livelihoods. And do beſeech your Lordſhips in the End, after the Long Suffering of that Unfortunate Nation, our long Expectation, and the Wonder of all Neighbouring States, occaſioned by a Long and, as we humbly conceive, an Unſeaſonable delay, whileſt the Life, Liberties and Intereſts of the Proteſtants of that Kingdom are daily invaded and deſtroyed, you will now give an inſtant diſpatch for the Relief of that Miſerable Realm and People.*

And your Petitioners ſhall ever pray, *&c.*

Signed *Gilbert Harriſon*, *William Green*, *Richard Whitaker*, *John Stone*, *Tho. Stone*, *Edw. Claxton*, cum multis aliis.

The Houſe taking the Petition into Conſideration, the Petitioners were called in, and the Lord Keeper, by direction of the Houſe, told them, *That their Lordſhips were taking into their Conſideration and Care, the Neceſſity and Affairs of* Ireland, *and will uſe all Expedition therein, and will take their Petition into Conſideration.*

Then a Meſſage was brought up from the Commons by the Lord *Gray* of *Ruthen*, *To deſire their Lordſhips to joyn with them to Petition the King for a Monthly Faſt throughout the Kingdom, during the Troubles of* Ireland, *and for a Proclamation to that Effect.*
2. *To Expedite the Anſwer to the Conference laſt Night concerning the Buſineſs of the* Tower, *which is a Matter of great Importance.*

The Anſwer was, *That this Houſe joyns with the Houſe of Commons in the firſt of this Meſſage; but concerning the matter of the late Conference concerning the Lieutenant of the* Tower, *this Houſe hath not thought fit to joyn with the Houſe of Commons therein.*

3 Bills paſſed the Houſe of Commons brought up to the Lords.

A Meſſage was brought from the Houſe of Commons by the Lord *Herbert*, who brought up 3. Bills which had paſſed the Commons, Intituled,

(1.) For the Lords day.

(1.) *An Act to reſtrain Barge-men, Lighter-men and others from labouring and working on the Lords Day, commonly called* Sunday.

(2.) For preſſing Marriners, &c.

(2.) *An Act for the better raiſing and levying of Marriners, Sailors, and others, for the preſent Guarding of the Seas, and neceſſary Defence of the Realm and other his Majeſties Dominions.*

(3.) *Fitzwilliams Coningsby's* Bill.

(3.) *An Act for the ſettling by* Fitzwilliams Conningsby *Eſq; a Rent-Charge of* 200 *l.* per annum *upon an Hoſpital in the Suburbs of the City of* Hereford *called* Conningsbie's Company of Old Servitors, *&c. and for*

Decemb. 1641.

the Settlement of Lands and Tenements for the payment of his Debts, and raiſing of Portions for his Younger Children, and for a new Joynture for his Wife, and a New Settlement of his Eſtate.

Reſolution of the Lords upon the 6 Propoſitions of the *Scots* Commiſſioners.

The Lords then fell upon the Conſideration of the 6. Propoſitions of the *Scots* Commiſſioners.

To the Firſt, Reſolved, &c. That 10000 Scots *ſhall be ſent into* Ireland, *upon ſuch Conditions as ſhall be agreed upon by the Parliament.*

To the Second, This Houſe agrees with the Houſe of Commons therein.

To the Third, The Houſe agrees unto it thus, That there ſhall be delivered unto the Scots 5000 *Arms within a ſhort time after their carrying their Arms out of* Scotland, *and* 5000 *Arms more within* 5 *or* 6 *Months, conſiſting of Pikes, Muskets and Swords, which is conceived are the Arms they will convey out of* Scotland *into* Ireland.

To the Fourth, Agreed, That ſome Ships of War ſhall be ſent to ſecure the Tranſporting of the Scots *into* Ireland; *but becauſe it will be ſome time before our Ships can come thither, the Commiſſioners are to Treat with the* Scots *Commiſſioners, either to Tranſport their Men without Ships of War, or elſe to imploy ſome of their own Ships, until ours can come, and they ſhall be paid for the ſame.*

To the Fifth, This Houſe agrees with the Houſe of Commons, and refers it to the Engliſh *Commiſſioners to Treat about a ſmaller Number of Horſe.*

To the Sixth, This Houſe agrees with the Houſe of Commons therein.

L. Keeper reports Conference about the Tower and *Lunsford*.

A Conference was had with the Commons, which was thus Reported by the Lord Keeper,

That the Houſe of Commons greatly deſired, That both Houſes might have joyned together in an humble Petition to his Majeſty for removing of Col. Lunsford, *from being Lieutenant of the* Tower *of* London.

The Houſe of Commons ſay, They find ill Conſequences already by his being Lieutenant; for Merchants have already withdrawn their Bullion out of the Mint, and Strangers which have Ships lately come with great ſtore of Bullion, do forbear to bring it into the Mint, becauſe he is Lieutenant of the Tower; *and by this Means, Money will be ſcarce to come by, which will be prejudicial and obſtructive to the preſſing Affairs of* Ireland. *The Houſe of Commons took it much to Heart, that their Lordſhips did not joyn with them to Petition his Majeſty: Hereupon they have made a Declaration for themſelves, and deſired, That the ſame may be entred into the Journal Book of this Houſe, as they have done the like in their Houſe;* Which was read in theſe Words:

The Declaration of the Commons concerning the Tower.

“WE the Knights, Citizens and Burgeſſes of the Commons Houſe of Parliament, being very ſenſible of the great and emminent Danger of the Kingdom, through the Deſigns of the Papiſts, and other Perſons diſaffected to the Publick Peace, and finding by frequent and emminet Symptomes, that the ſame groweth very near to maturity, amongſt which We reckon this not to be the leaſt, that the Tower being a Place of ſuch Importance to the ſafety of the City, and of the whole Kingdom, ſhould be put into the Hands of a Man ſo unworthy, and of ſo dangerous a Diſpoſition, as by divers Teſtimonies Colonel *Lunsford* is affirmed to be, which cauſed Us yeſterday, upon the Petition of the Citizens of *London*, to deſire your Lordſhips to joyn with us in an humble Suit to his Majeſty, that a Place of that

great

Decemb. 1641.

“ great Conſequence might not be diſpoſed in ſuch a manner, as to hazzard
“ the Safety, Peace and Content of the City, and of the whole
“ Kingdom; and perceiving that your Lordſhips have refuſed to joyn
“ with us, in ſo important and neceſſary Requeſt, do hereby declare before
“ God and the whole Kingdom, that from the beginning of this
“ Parliament, we have done our uttermoſt to preſerve the State from
“ Ruine; and having through God's Bleſſing prevailed ſo far, that the
“ Deſign of the *Iriſh* Army of Papiſts, the other Deſigns of bringing up
“ the *Engliſh* Army, ſeveral times attempted, a former Plot of Poſſeſſing
“ the Tower, without which Treaſon could not be ſo miſchievous
“ to the State, were all prevented, although ſtrongly bent to the Deſtruction
“ of Religion, the Parliament and the Common-Wealth, do
“ now find themſelves incountred with as great Difficulty, as ever, the
“ Papiſts Rebellion in *Ireland*, giving ſuch Encouragement to the
“ Malignant Party here, that they likewiſe receiving ſuch advantage
“ by the Delays and Interruptions, which we have received in the Houſe
“ of Peers, as we conceive by the great number of Biſhops and Papiſts
“ notoriouſly diſaffected to the Common Good. And do therefore
“ hold our Selves bound in Conſcience to declare and proteſt, that we
“ are Innocent of the Blood which is like to be ſpilt, and of the Confuſions
“ which may overwhelm this State, if this Perſon be continued
“ in his Charge; and do intend to reſort to his Majeſty, in an humble
“ Petition, that he will be pleaſed to afford us his Royal Protection,
“ that the Kingdom and our Selves, may be preſerved from this wicked
“ and dangerous Deſign, and that he will grant Commiſſions and Inſtructions
“ as may inable us to defend his Royal Perſon, and his Loyal
“ Subjects, from the Cruelty and Rage of the Papiſts, who have long
“ Plotted and Endeavoured to bring in a bloody Change of Religion,
“ to the apparent Ruine of the whole Kingdom, and if any of your
“ Lordſhips have the ſame Apprehenſions that we have, we hope they
“ will likewiſe take ſome Courſe to make the ſame known to his Majeſty,
“ and will further do what appertains to Perſons of Honor and
“ Fidelity for the common Good.

After the reading of this Paper, it was moved to adjourn the debate of this Matter till *Monday*, by ſome that it might be debated preſently.

Hereupon the Queſtion was put, *Whether the Debate upon this Report, ſhall be put off until* Monday *next, or not, and it was reſolved to be put off until* Monday *next.*

Which being done, theſe Lords following did diſaſſent to this Vote, and before the putting of the Queſtion, did claim their Right to enter their Proteſtation againſt it, which was as followeth.

The Proteſtation.

The Proteſtation of divers Lords againſt the Vote to put off the debate of the Meſſage concerning the Tower.

In reſpect the Conference brought up, and reported from the Houſe of Commons, doth as it thereby declared, concern the inſtant Good and Safety of the King and Kingdoms, I do proteſt againſt the deferring of the Debate thereof until Monday, *to the end to diſcharge my ſelf of any ill Conſequence that may happen.*

Lo. Admiral, *Similiter*, Lo. Chamberlain, E. *Pembroke*, E. *Bedford*, E. *Warwick*, E. *Bolingbroke*, E. *Newport*, Viſcount *Say* and *Seal*, E. *Suffolk*, E. *Carliſle*, E. *Holland*, E. *Clare*, E. *Stamford*, Lo. *Wharton*, Lo. *St. Johns*, Lo. *Spencer*, Lo. *North*, Lo. *Kymbolton*, Lo. *Brook*, Lo. *Grey de Werke*, Lo. *Roberts*, Lo. *Howard de Eſcrick*.

The Biſhops of *London, Ely, Bath* and *Wells* releaſed concerning Tenths upon the Poll Bill.

After which, upon reading of the Petition of the Lord Biſhop of *London*, *William* Lord Biſhop of *Bath* and *Wells*, and *Matthew* Lord Biſhop of *Ely*, ſhewing that they had paied 60 *l.* apiece for the Poll-Money, and depoſited other Monies according to a Proportion of the double Tenths of their Biſhopricks, But becauſe their Biſhopricks are freed by Letters Patents, under the Great Seal of *England*, from paying or accompting for any Tenths; It was Ordered by the Lords in Parliament, *That Mr.* Parramour, *with whom the ſaid Monies were depoſited, ſhall forthwith upon ſight thereof (if he hath ſo much in his Hands of the Poll-Money, and if not, then as ſoon as ſo much Money ſhall come in unto him) repay unto the ſaid Lords the Biſhops their Aſſigns or Agents, all ſuch Sums of Money, as he hath received from their Lordſhips reſpectively, above the 60l. apiece as is aforeſaid.*

In the Houſe of Commons, the ſame Petition from the Merchants, &c. was read, which was preferred to the Lords; alſo upon the Lords refuſing to joyn with them to Petition the King for *Lunsford*'s removal, they preſently came to this Vote.

Vote againſt Colonel *Lunsford*.

Reſolved, &c. *That this Houſe holds Colonel* Lunsford *unfit to be, or continue Lieutenant of the Tower of* London, *as a Perſon, in whom the Commons of* England *cannot confide in.*

Then Mr. *Hollis*, Mr. *Pym*, Mr. *Strode*, Sir *Edmond Montfort*, Mr. *Glyn*, Sir *Philip Stapleton*, Mr. *Martin* and Sir *John Hotham*, were Ordered to draw Heads for the Conference before recited.

Sir *John Berkley* bailed.

This Day it was moved that Sir *John Berkley* might be bailed, and thereupon

Reſolved, &c. *That this Houſe doth approve and allow of the Earls of* Dorſet *and* Stamford *to be Bail, for Sir* John Berkley *a Priſoner in the* Tower, *the principal to be bound in the Sum of* 10000 l. *the Security in the Sum of* 5000 l.

Captain *Legg* bailed.

Reſolved, &c. *That this Houſe doth approve and allow of the Earls of* Cumberland *and* Newport, *to be Bail for Captain* William Legg, *ut ſupra.*

Mr. *Williamſon* a Miniſter bailed.

Mr. *Williamſon* a Miniſter, in Cuſtody of the Serjeant for a Sermon preached on *Sunday* was 7 Night, in the Pariſh Church of St. *Martins* in the Fields, ſhall be bailed, and the Conſideration of the Sermon was referred to Mr. *Peard*.

Then Sir *Edward Hungerford*, Sir *Henry Mildmay*, Sir *Thomas Barrington*, Sir *Henry Vane*, Sir *Robert Pye*, Alderman *Pennington*, Alderman *Soame*, were appointed to treat with the Merchant Adventurers, or any others concerning the Loan of 50000 *l.* for the Affairs of *Ireland*, and to offer them Security out of the 400000 *l.* Bill, and 8*l. per Cent*, for forbearance of their Money.

It was alſo Ordered, *That Sir* Thomas Barrington *and Mr.* Martin *do this Night repair unto the Conſtable of the Tower, and deſire him from this Houſe, to lodge and reſide within the* Tower, *and take the Cuſtody and Guard of that Place.*

Monday, Decemb. 27.

Information was this Day given to the Houſe of Lords, *That ſome Members of this Houſe, have had falſe Rumors reported of them; That during the time of the King's being laſt in* Scotland, *it was told the Queen, That at a Meeting at* Kenſington (*where the Earl of* Eſſex, *the Earl of* Newport, *the Lord Viſcount Say and Seal, the Lord* Mandevil, *the Lord* Wharton, *Members of this Houſe, and the Lord* Dungaruan, *Mr.* Nathaniel Fines, *Sir* John Clotworthy *and Mr.* John Pym *Members of the*

Houſe of Commons were preſent) upon a diſcourſe of Plots, that ſhould be done in this Kingdom, or in Scotland, *the Earl of* Newport *ſhould ſay, If there be ſuch a Plot, yet here are his Wiſe and Children, meaning that the Perſon of the Queen and her Children ſhould be ſeized upon.*

E. of *Newport* concerning a report of his ſpeaking of ſeizing the Queen, *&c.*

Upon this the Earl of Newport *ſtood up, and gave the Houſe this Account, That hearing of ſuch an Information which had been preſented to the Queen, he went with ſome other Lords, and waited on the Queen, and with many Proteſtations aſſured the Queen, That never any ſuch Words were ſpoken, nor the leaſt thought thereof conceived of any ſuch Fact; with which the Queen ſeemed to reſt ſatisfied;*

But upon Friday *laſt, his Majeſty asked him,* Whether he heard any Debate at *Kinſington*, about ſeizing upon the Queen and her Children; *which his Lordſhip denying, his Majeſty replyed again,* That he was ſorry for his Lordſhips ill Memory.

The Houſe conſidering this Information to be of Conſequence, and becauſe ſeveral Members of the Commons were concerned in it, reſolved to have a Conference with the Commons concerning it, that ſo they might ſearch into this Buſineſs, and that the Bottom of it might be found out, and the Reporter of this falſe Rumor brought to condign Puniſhment. And the Lord Archbiſhop of *York*, Lord Admiral, E. *Briſtol*, E. *Holland*, Lord *Roberts*, Lord *Savil*, were ordered to draw Heads for the Conference.

Tumults.

The Tumults now began upon this little Claſh of the Two Houſes, and the Lords refuſing to joyn with the Commons to petition out *Lunsford*, to aſſemble in great Multitudes, to Force the Biſhops by affronts to quit their ſtation in Parliament, which hitherto could not legally be obtained; and there being a great Concourſe of People about the Parliament Door and the Places adjoyning, the Gentleman-Uſher was directed to go and Command them in the King's Name to be gone, and repair to their reſpective places of Aboad, or they ſhould be proceeded againſt according to Law; who returned with this account, *That the People are willing to depart, but ſay they dare not, becauſe there is Colonel* Lunsford *with other Soldiers in* Weſtminſter-Hall *that lye in wait for them, with their Swords drawn; and that ſome of them who were going through* Weſtminſter-Hall *home, have been Wounded and Cut in their Heads by the ſaid Souldiers.*

A Committee of Lords appointed to conſider of the Tumults.

Whereupon the Houſe appointed the Lord Steward, the Lord Great Chamberlain, Lord Chamberlain, E. *Bedford*, E. *Southampton*, E. *Pembroke*, E. *Sarum*, E. *Warwick*, E. *Clare*, to Examin *what Warrant hath been given to Soldiers to come down this day unto the Parliament Houſe; and likewiſe what Notice hath been given to any others to come down to* Weſtminſter *in Multitudes; and who gave the Occaſion that Swords were drawn and blows given in* Weſtminſter-Hall, *and near thereabouts among the People. And to Enquire why the Juſtices of Peace, and other his Majeſties Officers, did not prevent the Tumults this Day according to Law, and the Commands formerly given them. Their Lordſhips or any 7. of them to meet on* Tueſday *the* 28 *of* Decemb. 1641, *at* 9 *of the Clock in the Morning in the Painted Chamber, and when after they pleaſe.*

After this, the Lords Commiſſioners delivered in all the *Scots* Commiſſioners Propoſitions as follows:

Decemb. 1641.

S*ince it is deſired that we ſhould give in all our Propoſitions concerning the* 10000 *Men that are to be ſent out of* Scotland *into* Ireland, *We do offer to your Conſideration theſe following Propoſitions to thoſe we have already given in.*

“(1.) In reſpect that the Country is for the moſt part Waſted by the Rebels, and that it is neceſſary for the better Proviſion and Safety of our Army, That there be delivered unto Us ſome Places convenient, for the preſerving of our Victuals, and for Retreat in caſe of Neceſſity; It is therefore deſired, That the Town and Caſtle of *Carrickfergus*, *Colraine*, and *London-Derry* be put into our hands, wherein we may plant Garriſons, and make Uſe of them, for Magazins of Victuals, Arms and Munition, and for Retreat upon any Occaſion: And that the Magiſtrates and Inhabitants thereof be ordeined to carry themſelves to any of our Commanders there as is fit, and ordinary in ſuch Caſes; We giving Aſſurance to uſe them with all Brotherly Kindneſs and Reſpect; and to give full Satisfaction for what we ſhall receive from them, and that we ſhall make Uſe of the ſaid Places, for the Honor and Advantage of his Majeſty and the Crown of *England*; and faithfully reſtore them, to any having Commiſſion from the King and Parliament when the War ſhall End; or that our Army ſhall be by them diſcharged, and ſatisfied of all Dues and Conditions made in this preſent Treaty.

“(2.) That the Towns of *Carrickfergus*, *Colrain*, and *London-Derry*, be inſtantly provided with Victuals of all kinds neceſſary for Soldiers, both for the Garriſons, and to furniſh the Army, or any part thereof in Expeditions into any part of the Province, or where they ſhall go for payment upon ſuch reaſonable Prices as ſhall be agreed upon: And likewiſe that Powder, Bullet and Match, be ſufficiently provided for at leaſt 6000 Musketeers, and 24 or 30 Piece of good Ordnance, and that there be Gun-Smiths, and ingenious Carpenters ſent thither, for the mending of Guns and Carriages, and ſuch like, one Ingineer or two to attend our Army, and that ſome hand-Mills be provided for the Companies in Marches.

“(3.) That Horſes be provided for the Baggage of the Army and Train of Artillery, and Carriages for Carriage of Bread and other Proviſions for the Mouth, and that to make Draggooners, every 100 Men have 10 Horſes appointed for them.

(4.) “That the Inhabitants of any Towns or Villages in any Province where our Army ſhall be for the Time, be appointed to receive Orders from our Commanders, and to bring in Victuals for Money in an Orderly Way, as ſhall be directed by them, with Proviſions of Oats, Hay and Straw, and ſuch other Neceſſaries, and that when it ſhall be found, for the good of the Service, the Country People which are not levied in Regiments, be ordained to riſe, and concur with our Troops, and receive Commands and Directions from our Commanders.

(5.) That the Troops of the Kingdom of *Scotland*, go in the Way and Order of an Army under their own General, and Subaltern Officers, and that they have a Circle or Province appointed them, which they ſhall fall upon, and aſſail, wherein they ſhall proſecute the War, as in their own Judgment they ſhall think Expedient, for the Honor of the King and Crown of *England*, and that they have Power, to give

“ Conditions to Towns, Caſtles and Perſons, which ſhall render and
“ ſubmit themſelves, as they ſhall find for the good of the Service
“ wherein they are imployed; which they ſhall oblige themſelves faith-
“ fully to do and perform to the uttermoſt of their Power, and ſhall be
“ anſwerable to his Majeſty, and the Parliament of *England*, for their
“ whole deportment and Proceedings, whereof they ſhall from time to
“ time give them an Account. That ſuch Towns and Places, as ſhall be
“ recovered from the Rebels by our Army, be at the diſpoſing of our
“ Commanders, during their aboad there; and when it ſhall pleaſe God,
“ that the Rebellion ſhall be ſuppreſſed, in the Circle aſſigned to our
“ Army, they ſhall be ready to do Service in any other Place which ſhall
“ be appointed to them. And if it ſhall be found for the good of the
“ Service, that our Army joyn with the King's Lieutenant, and his Ar-
“ my; that our General ſhall only * *Cede* to the King's Lieutenant of
“ *Ireland*, and receive in a Free and Honorable Way, Inſtructions from
“ him, or in his abſence from the Lord Deputy, or any other who ſhall
“ have the Government of that Kingdom by authority derived from the
“ Crown of *England*; and ſhall precede all others, and only give Orders
“ to the Officers of his own Army; and that the Armies, the Right and
“ the Left hand, Van and Rear, Charge and Retreat ſucceſſively, and
“ mix not in quartering nor marching; And if it ſhall be found fit to
“ ſend Troops out of either Army, that the Perſons to be ſent out of our
“ Army be appointed by their own General, the Lieutenant of *Ireland*,
“ preſcribing the Number which ſhall not Exceed the fourth part of our
“ Army, whereunto they ſhall return after the Service is done: And
“ that no Officers of Ours be commanded by one of his own Quality;
“ and if the Commanders of the Troops ſo ſent out of either Army be
“ of one Quality, that they Command the Party by turns.

* Give Place.

(6.) “ That our Army be aſſured of three Months Pay to be put in
“ the hands of the Treaſurers and Commiſſaries appointed by us at their
“ Rendezvouz in *Ireland*, and that before that time expire, there be a
“ Months Pay put in their hands, and ſo from Month to Month; and
“ that in this our Brethren of *England* may be put to no more charge
“ then is juſt and neceſſary, and that it may appear that we offer our
“ Aſſiſtance for Love only, We do deſire, that there may be a Muſter-
“ Maſter appointed to make ſtrict and frequent Muſter of our Troops,
“ and that their ways be ſo looked unto, that they make no ſuch un-
“ lawful advantages.

(7.) “ Seeing we have voluntarily and freely made offer of our
“ Forces to this Service and to tranſport them to *Ireland*, upon our own
“ Charges, and will be ſubject to all Hazards which may follow thereup-
“ on, and will have the ſame Friends and Enemies with *England* in this
“ Employment, and muſt therein ſtand and fall with them, We expect
“ and deſire that the King and State of *England* will take us into the
“ ſame conſideration, and Reward our Service with the like Honours,
“ Recompences, and Plantations, as they ſhall do the *Engliſh* or *Iriſh*
“ who ſhall deſerve well in this Buſineſs, for if we ſhall with the Ha-
“ zard of our Lives do good Service to his Majeſty and the Crown of
“ *England*, it is moſt agreeable to Reaſon that we be ſharers of the Fruits
“ of our Pains, the perſons ſo rewarded being always tyed to the ſame

" Conditions, and being ſubject to his Majeſty and Crown of *England*,
" as the *Engliſh* are and ſhall be.

Sic Subſcribitur.

Ja. Primroſe.

Letters from *Ireland.*

Whereupon it was Ordered, *That the Propoſitions be debated to Morrow.*

Then Letters from the Lords Juſtices of *Ireland* were read, the Contents whereof was, *That they underſtand that there are Ships laden with Armes, and Ammunition at* Dunkirk *to be carried to the Rebels in* Ireland, *and that the Rebels are on both ſides of* Tredagh, *which makes that Town in great want for Victuals.*

The Lord Admiral acquainted alſo the Houſe that he had received Information of 4 Ships that are at *Dunkirk* with Arms, and that Men are providing there to be Shipped for *Ireland*, Whereupon it was Ordered, *That his Lordſhip be deſired by the next Pacquet-Boat that goes for thoſe parts to ſend over ſome diſcreet Man to give true Information of the Preparations there.*

The Commons having by a Meſſage acquainted the Lords, that they are willing to joyn with them in ſearching into the buſineſs about the Lord *Newport*, and to Petition his Majeſty to diſcover who informed him; the Lords reſolved to joyn with them in it, and the Lords appointed to draw heads for the Conference were appointed to joyn with a proportionate number of Commons to make a draught of a Petition to be preſented to his Majeſty about this Buſineſs.

Tumults.

The Gentleman Uſher was ſent again to the People gathered together about the Parliament Houſes, and was to let them know, *That this Houſe diſlikes their coming in ſuch Multitudes, and Commands them to be gone, and if they have received injury or hurt by any body, if they repreſent their Names to this Houſe, their Lordſhips will ſee that Juſtice be done.*

But this would not do, the Lords were no terror to them ſo long as they were aſſured of the favour of the Factious Party of the Commons.

A Meſſage was therefore ſent to the Commons for a Conference concerning the Tumults, upon theſe Heads,

(1.) *To deſire the Houſe of Commons to joyn with this Houſe in a Declaration to be Printed and Publiſhed, of their diſlike of the Aſſembling of the People in ſuch Companies, and diſorders about the Houſes of Parliament.*

(2.) *To joyn with them in a Petition to his Majeſty, that the Houſes of Parliament may have a Guard.*

Favoured by the Faction of the Commons.

But the Faction of the Commons had other imployment for theſe Tumults, and were ſo far from thinking fit to diſcourage them, that ſome of theſe inſolent People being laid hold on, and Committed to the Gate-houſe, their Friends in the Commons Houſe receiving quick advertiſement of it, immediately diſpatched Sir *Robert Pye*, Mr. *Wheeler*, and Mr. *Glyn* to inquire upon what Grounds thoſe Citizens are Committed to the Gate-houſe and by whoſe Authority, and to diſcharge them if they ſhall ſee Cauſe.

And when this Conference was reported by Mr. *Hollis*, they were not at leiſure to conſider of it that night, it was too late, and therefore it was deferred till the next day; and the next day when it was moved, the Queſtion being put whether the Queſtion ſhall be put at this preſent concerning the joyning with the Lords in a Declaration as is deſired, it paſt in the Negative, they being it ſeems ſo unwilling to diſoblige the Rabble, that they would not ſo much as permit the Queſtion to be put concerning it; and it is eaſie to conjecture with what courage this inſpired thoſe Rude and Inſolent People, Porters, Watermen, *&c.* when they ſaw themſelves out of the reach of the Law, the only thing thoſe mean and ſordid ſpirits are capable of being kept in order with, and that they had nothing to fear, when their Guardians of the Commons Houſe would not ſuffer the tendereſt part of the Law, a Proclamation to be awarded againſt them.

E. of *Newport* diſcharged from being Conſtable of the Tower.

Sir *Thomas Barrington* this day Reported in the Houſe of Commons' *That according to the Command of the Houſe, not being able to meet with the Conſtable of the Tower, he wrote a Letter unto him; that yeſterday he came to him and told him, that his Majeſty was pleaſed to diſcharge him of the Conſtableſhip of the Tower, and to tell him he did it becauſe it was cauſe of Jealouſie.*

The Reader will from hence gain a clear Light into the Myſtery of all this Buſtle about the Scandal which took up ſo great a part of this and the following Days Debate, and will eaſily perceive the diſpleaſure of this Lords being diſplaced, raiſed all this Duſt, which however blanched as a Scandal upon him and others, yet is ſo like the ſayings of ſome in that Company at *Kenſington*, that one can difficultly be perſwaded to believe, but that with all this Smoak there was ſome Fire, & that the King ſpake what he did upon good aſſurance, but that ſuch was the Fury and Violence of the headſtrong Faction, that to have produced any Witneſs in a matter which concerned them ſo nearly, and would have expoſed their Deſigns, would have been to have thrown a Man into a Den of half ſtarved Lyons, and it had been impoſſible to have eſcaped their fury without the help of *Daniels* Miracle in the Sacred Story.

L. *Dillon* and Colonel *Taaf* Impriſoned.

The Lord *Dillon* and Col. *Taaf* having by Order of the Houſe been taken into Cuſtody, their Papers were ſearched, and ordered by a Committee to be peruſed, and they to remain in Cuſtody till the Houſe takes further Order therein.

Lunsford ſummoned to the Commons Houſe.

It was alſo Ordered, That Col. *Lunsford be ſummoned to attend this Houſe to morrow morning at* 10 *of the Clock, and that Mr.* Thraile *be required to be here at the ſame time, as alſo Capt.* Hide, *Capt.* Scrimſhire, *Mr.* Butler, *Mr.* Brooks *and Mr.* Moore, *and that the Citizens who gave the Information at the Bar againſt Colonel* Lunsford, *be required to be here at the ſame time.* The Reader may here ſee the terrible Army under Colonel *Lunsford*, which frighted the Citizens, as they pretended in Excuſe to the Lords, that they durſt not go through *Weſtminſter-*Hall.

Committee for the Petition concerning L. *Newport.*

A Committee was appointed to joyn with the Lords, to draw the Petition concerning the Lord *Newport. viz.* Sir *Henry Vane*, Senior, Mr. *Glyn*, Sir *Edward Hungerford*, Sir *Gilbert Gerrard*, Sir *John Culpeper*, Sir *Thomas Barrington*, Sir *Philip Stapleton*, Sir *Robert Cooke*, Mr. *Strode*, Mr. *Long*, Sir *Benjamin Rudyard* and Mr. *Hollis*.

Tueſday, Decemb. 28.

The Tumults as the Reader may have obſerved, begun now to be Frequent, Dangerous and Inſolent, which occaſioned his Majeſty this Day to Iſſue out his Royal Proclamation againſt them, as followeth.

By the King.

A Proclamation againſt Tumults.

His Majeſty taking into his Princely Conſideration, the manifold Inconveniencies and Miſchiefs that may ariſe and happen, by the Riotous and Tumultuous Aſſemblies, in and about the Cities of London and Weſtminſter, not only to the violation of his Majeſties Peace, and Scandal of Government, but to the Diſturbance of his Houſes of Parliament now Aſſembled, doth ſtrictly Charge and Command, all the Inhabitants of his Cities of London and Weſtminſter, and the Liberties thereof, and alſo of the Suburbs, and Confines of the ſaid Cities and Places adjoyning, that upon no Occaſion, they do not Aſſemble themſelves, in any Tumultuous or Riotous manner, in any Part or Place, in or near the ſaid Cities or Liberties, and that all Perſons now Aſſembled in any Numbers, without his Majeſties Authority, do forthwith upon Publiſhing this his Majeſties Proclamation, diſſolve their Aſſemblies and Companies, and repair to their Dwellings, or Places of aboad, upon their Perils of being proceeded againſt, as Violaters of the Publick Peace of this his Majeſties Kingdom, and of being puniſhed according to the Severity of the Laws and Statutes of the ſame.

Given at Our Court at *White-Hall*, this 28*th* day of *December*, in the Seventeenth Year of Our Reign.

God ſave the King.

The King to be moved for a Monthly Faſt for *Ireland*.

The Lord Keeper was this Day ordered to wait on the King, and move his Majeſty from both Houſes of Parliament, that a Monthly Faſt may be kept throughout the whole Kingdom, during the Troubles of *Ireland*, and that his Majeſty will be pleaſed, that a Proclamation may iſſue forth for this purpoſe; and likewiſe for the keeping of the 20*th* of *January* next as a Faſt throughout the whole Kingdom, except *London* and *Weſtminſter*, where it hath been already Solemnized.

Then the Lord Admiral reported the draught of the Petition drawn up by the Committee of both Houſes in the *Kenſington* buſineſs, which was read as follows.

To the King's moſt Excellent Majeſty,

The Humble Petition of the Lords and Commons in this preſent Parliament Aſſembled.

The Petition of the Lords and Commons about the *Kenſington* buſineſs.

Whereas, during Your Majeſties laſt being in Scotland, *the Queens Majeſty received Information, that at a meeting in* Kenſington, *where the Earl of* Eſſex, *the Earl of* Newport, *and Lord Viſcount* Say *and* Seal, *the Lord* Mandevile, *the Lord* Wharton, *Members of the Lords Houſe; the Lord* Dungaruen, *Mr.* Nathanael Fiennes, *Sir* John Clotworthy, *and Mr.* John Pym, *Members of the Houſe of Commons were preſent, upon a Diſcourſe of ſome Plots, that ſhould be done in this Kingdom or in* Scotland, *the Earl of* Newport *ſhould ſay,* If there be ſuch a Plot, yet here are his Wife and Children, *inſinuating the ſame to ſignifie, that the Perſon of her Majeſty and her Children ſhould be ſeized upon. And whereas Your Majeſty upon* Friday *laſt, was pleaſed to demand of the*

Earl of Newport, *whether his Lordſhip heard any Debate at* Kenſington, *about ſeizing upon the Queen and her Children, which when his Lordſhip had denied, with many and deep Aſſeverations Your Majeſty replied again, That he was to tell Your Majeſty no more then you knew already, and therefore ſhould conſider well what he ſhould Anſwer; and his Lordſhip denying it the ſecond time, Your Majeſty parting from him, replied, you were ſorry for his ill Memory, ſeeming thereby to give Credit to that Information; which Information and Report, tend not only to the great ſcandal of the Members of both Houſes of Parliament before named, but expreſs an endeavor to ſtir up Jealouſies, and work a Diviſion between Your Majeſty and the Parliament.*

It is therefore the humble and inſtant deſire of the Lords and Commons in this Parliament, That Your Majeſty will be pleaſed to declare, who was the Reporter or Reporters of thoſe Words pretended to be ſpoken at Kenſington *by the Earl of* Newport. *And that Your Majeſty will be pleaſed likewiſe to move her Majeſty to diſcover who acquainted her therewith.*

And this, as Your greateſt, and moſt faithful Council, they adviſe Your Majeſty to perform (the Exigency of the Affairs of both Kingdoms being ſuch as neceſſarily require a ſudden Remedy) which cannot expect any poſſibility of ſucceſs without a right Underſtanding between Your Majeſty and the Parliament, the only way for effecting hereof, is, by the preſent diſcovery and removal of ill Counſellors, and falſe Informers, which to our great Grief, we have by Experience found to be too frequent and active in theſe Dangerous Times.

After the Reading whereof, it was Ordered, *That this Houſe agrees, that this Petition be preſented to the King: And the Lord Admiral, Earl of* Bath, *and Earl of* Holland, *were appointed to wait on the King, to know when the Select Committees of both Houſes ſhall attend him to preſent the aforeſaid Petition:* Who being returned, brought Anſwer, *That His Majeſty hath appointed them to attend him, for this purpoſe, to morrow in the Afternoon, at One of the Clock at* White-Hall.

Meſſage from the King to the Lords concerning Volunteers for *Ireland.*

The Lord Chamberlain ſignified to this Houſe, *That the King had commanded him to let the Parliament know, that His Majeſty will furniſh* 10000 Engliſh *Volunteers, if the Houſe of Commons will undertake to pay them.*

Upon a Debate this day, the Reaſon of which the Reader will meet hereafter, it was Reſolved upon the Queſtion, *That this Parliament is at this preſent a free Parliament.*

In the Commons Houſe Mr. *Pym* Reported an Order from the Committee of the Navy, in theſe Words.

Order of the Commons touching the Navy.

It is this day Ordered by the Commons Houſe of Parliament, That the Committee for the Navy, where Sir John Culpeper *has the Chair, ſhall Examine why the* 55000 l. *Ordered in* Auguſt *laſt by both Houſes for ſupply of the Navy, out of the laſt Bill of Tonnage and Poundage, hath not been accordingly performed; and having found out the Obſtructions therein, ſhall preſent the ſame to this Houſe with all convenient ſpeed, together with their Opinions what is fitteſt to be done thereupon, and they are further to Examine what Monies are likely to come in upon the preſent Bill of Tonnage and Poundage, during the time it is granted, and to report it to this Houſe. That the Ordinary and Extraordinary Charge of the Navy for the Year* 1642, *may be provided for out of the ſame. It*

is

Decemb. 1641.

is further Ordered, That in caſe the Mony ariſing out of the laſt Bill of Tonnage and Poundage ſhall not be found ſufficient, to diſcharge the aboveſaid Sum of 55000 l. *that then, what ſhall be wanting thereof ſhall be forthwith paid to the Treaſurers of the Navy, out of the Monies coming in upon the preſent Bill of Tonnage and Poundage. It is alſo Ordered, That the Sum of* 2058 l. 10 s. *ſhall be paid out of the Monies payable by virtue of the aforeſaid Bill, to the Officers of the Ordnance, for the Expences in their Office, for the ſetting out of the laſt Summers Fleet, according to the Engagement of this Houſe.*

It is further the Opinion of the Committee, that in the Caſe of Sir Henry Vane *junior, concerning the Office of the Treaſurer of the Navy, That this Houſe do declare, that they will take that into Conſideration, when they ſhall conſider of the paſſing the next Bill for the Subſidy of Tonnage and Poundage.*

This Order being read, was Voted, and upon the Queſtion Aſſented unto.

It may be remembred what flouriſhing Speeches Mr. Speaker had formerly made to the King upon the tendring of the Bills for Tonnage and Poundage to his Majeſty for the Royal Aſſent, which yet by this Order appear to have been ſuch meer Complements, that the King was not ſo much as a Truſtee for the Publick, but the Money raiſed in his Name, and by his Authority, was to be wholly managed by their Order: And Sir *Henry Vane* for the kindneſs done them in the Earl of *Strafford*'s Caſe, muſt be ſure to be remembred for a beneficial Office; as in truth, if in any thing they acted generouſly and wiſely, it was in obliging their Friends by Rewards, and diſcouraging their Enemies by puniſhments, the two Methods which Govern the World, and which all great Men and great Undertakers, have ever by Experience found to be the certain Supporters of their Deſigns and Enterprizes.

Wedneſday, Decemb. 29.

The Tumults began now to be ſo horrible Inſolent by the Countenance they received from the Faction of the Houſe of Commons, and particularly from their great Patron *Pym*, who publickly at a Conference ſaid, *God forbid the Houſe of Commons ſhould proceed in any way to diſhearten people to obtain their juſt deſires*; that they not only ran by Troops down to *Weſtminſter* to cry, *No Biſhop*, but as they paſſed by *White-Hall*, they cried, *They would have no Porter's Lodge, but would come to ſpeak to the King themſelves, without Controul, and at their own Diſcretion.*

Tumults.

The Houſe of Lords hereupon ſent for the Sheriffs of *London* and *Middleſex* to attend their Lordſhips, who being called in, and being asked, *Why they have not obſerved the King's Writ, in ſuppreſſing and preventing of Tumults and Routs?* They Anſwered, *That the Juſtices of the Peace for* Middleſex *opened the Writ, and granted out Warrants to the Conſtables, who ſent Guards to the Houſes of Parliament; and upon this, they were Queſtioned by the Houſe of Commons, and the Guards were diſmiſſed*: And they might have added, that Juſtice *Long* for his diligence in this matter was committed Priſoner to the Tower.

The Lords endeavor to ſuppreſs the Tumults.

Hereupon the Judges were ordered to withdraw, and take into conſideration what is fit to be done, *to diſperſe and prevent Multitudes of People Aſſembling hither*; which they did, and returned their Opinions, *That the beſt way to ſuppreſs Tumults, is to put in Execution the Statute of* 13 H. 4. Cap. 7. But this not being thought ſufficient, the Judges were again appointed to conſider *what is the Uſual Practice in other Courts for preventing of*

Tumults and Routs. To which they returned Anſwer, *That it is Vſual at Aſſizes for the Sheriff of the County to attend all the while with a Competent Number of Men.* Hereupon it was Ordered, *That the Vnder-Sheriff of* Middleſex, *and two of the Juſtices of the Peace for* Weſtminſter, *ſhall hereafter attend this Houſe* de die in diem, *and receive the Directions of the Houſe for the preventing and ſuppreſſing of Riots and Tumults hereafter.* But their Lordſhips did but all this while work againſt Wind and Tide, the Factious Commons had occaſion for Tumults, and Tumults were reſolved to have for their occaſions in deſpight of the Lords or the Laws either.

The Lords and Commons who were appointed to preſent the Petition about the Earl of *Newport*, did it this day, to whom the King returned this Anſwer for the preſent, *That he will put his Anſwer in Writing, and ſend it to the Houſe.*

A Meſſage from the King again concerning Volunteers for *Ireland.*

Then the Lord Chamberlain delivered this Meſſage to the Houſe by Command from the King, *That his Majeſty being very ſenſible of the great Miſeries and Diſtreſſes of his Subjects in His Kingdom of* Ireland, *which daily increaſe ſo faſt, and the Blood which hath already been ſpilt by the Cruelty and Barbarouſneſs of thoſe Rebels crying out ſo loud, and perceiving how ſlow the Succours deſigned thither go on, His Majeſty thought fit to let their Lordſhips know, and deſires You to acquaint the Houſe of Commons therewith, That His Majeſty will take Care that by Commiſſion which he ſhall grant,* 10000 Engliſh *Volunteers ſhall be ſpeedily raiſed for that Service, if the Houſe of Commons ſhall declare that they will pay them.* Which was ordered to be communicated to the Commons at a Conference.

Knowles and *Grey*, 2 Seditious Miniſters ordered by the Lords to be proſecuted.

Nor was it the Rabble only that was unruly, the Pulpit now under the Protection of the Faction began to break looſe, and thoſe amphibious Church Hypocrites, who had no manner of Love for the Church, Except the Revenue, nor any Honor for the King but what was owing to Fear, began to animate the People to Sedition, under the Cloak of Reformation; as will appear by this Order of the Lords following.

Ordered, *That Mr.* Knowles *and Mr.* Grey *who have lately Preached Seditious Sermons in the City of* London, *ſhall be proceeded againſt by his Majeſties Attorney General according to Law.*

Meſſage from the Commons concerniug a Declaration to ſuppreſs Tumults, and a Guard.

Then a Meſſage was brought from the Houſe of Commons by Mr. *Hollis*, to let their Lordſhips know, *That the Houſe of Commons have taken into their Conſideration Two Propoſitions lately ſent to them from their Lordſhips. And the Houſe of Commons ſay, Concerning the Propoſition in general for preventing of Tumults and Routs, they will agree to all good and lawful Wayes, as their Lordſhips ſhall think fit for the Safety of the Parliament; but for Printing of a particular Declaration, the Houſe of Commons ſay, They have entred into Debate thereof, and they find it to be a thing of that great Conſideration, as will require time to conſider of it.*

Concerning the Propoſition, That the Parliament may have a Guard, the Houſe of Commons agree thereunto, ſo it be ſuch as the Parliament approve of, and that it be Commanded by the Earl of Eſſex.

Further, the Houſe of Commons deſired their Lordſhips would ſpeedily paſs the two Bills for Preſſing Marriners, and Soldiers for Ireland, *without which they conceive* Ireland *cannot be ſaved.*

I have often hinted before the great Ground that there was to believe that theſe Tumults were encouraged and promoted by the Faction; and that

Decemb. 1641.

that I may not ſeem to write this as a conjecture, I have had the good Fortune to meet among ſome of the Old Papers of thoſe Times in the Clerk of the Parliaments Office, by the Aſſiſtance of my Worthy Friend *William Goldesborough* Clerk of the Parliament, that which will remain as a ſufficient Teſtimony to Poſterity, of the truth of this Matter; for Sir *John Strangeways* upon the 24*th* of *November*, delivered in this Information,

Mr. Speaker,

Informations that the Members of Parliament occaſioned the Tumults.

AN Information was given unto me of a deſign and attempt to have been made upon this Houſe, which if I miſtake not, comes near to High Treaſon; but that I muſt ſubmit to your Judgment. It doth aſperſe in general ſome Members of this Houſe, but indefinitely, without naming of any, for conſenting unto it, if not for contriving of it. The Information was as follows.

A brief of the diſcourſe, that paſſed between one Cole *an Apprentice to one Mr.* Mansfield *a Haberdaſher in* Diſtaff-Lane, *and* John Michaelſon, *upon* Wedneſday *the* 24th *of* November, 1641. *between* 9 *and* 10 *of the Clock at Night, in the hearing of* Stephen Terret, *Uncle to the ſaid* Cole, *and* John Derivall, *both Inhabitants in* Chelmsford.

The ſaid Cole, *a luſty Young man, came into the Chamber of the ſaid* John Michaelſon *at the* Spread Eagle *in* Gracious Street, *and without any demand or provocation, did freely confeſs in a boaſting manner, That he was but then newly come from the Pallace-Yard in* Weſtminſter, *where he with a Thouſand more had been that Evening, all armed with Swords; the ſaid* J. Michaelſon *asked him the Reaſon why they would, or how they durſt adventure in that unlawful way to gather themſelves together, to put Fears and Jealouſies in the Parliament; and told him it was not allowable by the Laws of God or of the Land; and asked him what Warrant they had for this diſorderly act? He anſwered, That they were ſent for by ſome Parliament-men. I asked him, What ground he had for what he ſaid? He told me his Maſter was a Conſtable, who gave him a Sword, and bad him go; and he believed that the Maſters of the other Apprentices that were with him, gave them the like Directions, and that they would not have done ſo, unleſs ſome Warrant or Direction had come from ſome Parliament-men. I asked him to what End they went? He anſwered, That they heard there was a diviſion in the Lower Houſe, and that the beſt affected Party was like to be over-powered by the other, and their direction and intentions was to aſſiſt them, when they ſhould be call'd for: but finding that they agreed well and came peaceably away together, he and his Fellows came quietly away.*

* John Michaelſon.

* This *Michaelſon* was a Dr. in Divinity.

But Mr. *Kirton* gave in an Information more particularly as follows:

WEdneſday 24th *of* November, *Mr.* Lavender's *Man came in the Evening to one* Farlow's *Houſe in* Woodſtreet, *where his Maſter with other Company, was taking Tobacco, and told him that Captain* Ven *had ſent for him preſently, to repair to* Weſtminſter *with his Arms, for there was an Uprore in the Parliament Houſe, and Swords drawn in the Parliament*

Parliament Houſe; whereupon the ſaid Lavender *ſuddenly went away, and threw his Pipe on the Table, and the Company was much amazed.*

Mr. *Laurence Ruddyard,* P. *Bradſwawe.*
Mr. *Farlow* of *Cambridg,*
Mr. *Farlow* of *Wood-Street.*

A Meſſage from the Commons concerning the Lord *Digby.*

After this, a Meſſage was brought from the Commons by Sir *Philip Stapleton* Knight, to let their Lordſhips know, *That the Houſe of Commons finds by common Fame, that it hath been ſaid in this Houſe, by the Lord* Digby, *and offered to be juſtified by him, That the Houſe of Commons have invaded the Priviledges of the Lords Houſe, and the Liberty of the Subject; and that he did likewiſe ſay in this Houſe, This was no free Parliament: the Houſe of Commons deſires, That if thoſe Words have been ſpoken by him, that Right may be done to the Commons of* England, *againſt the Lord* Digby, *and that if no ſuch Words were ſpoken by him, That then a Declaration may be ſet forth to acquit the Houſe of Commons of that Scandal.*

The Conſideration of the Words in the ſaid Meſſage, were referred to the Committee appointed to keep a good Correſpondency between the two Houſes. From this Meſſage the Reader may obſerve the Reaſon of the Vote laſt Night, concerning this being a free Parliament, and how quick Intelligence the Commons had of particular Perſons and Things, that at that time paſſed in the Houſe of Lords; they had long had a dormant Pique againſt the Lord *Digby*, for his franck Expreſſions in the Speech he made concerning the Bill of Attainder of the Earl of *Strafford*, and the Revenge of the Party Slept, as old *Pliny* ſaith *Lions* do, with their Eyes open, to watch the moſt convenient opportunity for Execution.

A Meſſage was brought from the Houſe of Commons by Mr. *Jepſon*, to deſire a preſent Conference by a Committee of both Houſes, if it may ſtand with their Lordſhips convenience concerning *Ireland*; which Conference was thus reported by the Lord Keeper.

Lord Keeper's Report of the Conference with the Commons, concerning *Ireland, Decemb.* 29. 1641.

The Houſe of Commons expreſſed the great danger, that the Province of Munſter *is in, and the ill Conſequence that may come to that Kingdom, if the Rebels ſhould gain it. The Houſe of Commons therefore preſent theſe Propoſitions to their Lordſhips, and deſire they would joyn with them in it.*

Then the Propoſitions were read, being certain Votes of the Commons.

(1) Reſolved upon the Queſtion, *That there ſhall be forthwith ſent from hence* 1500 *Muskets, and* 500 *Corſlets to* Briſtol, *to be with all ſpeed Tranſported to* Youghall *in* Munſter, *to be diſpoſed of by the Preſident there, for the Defence and Security of that Province.*

(2) *That a proportionable Proviſion of Match and Bullet, be made and provided for the Relief of the Province of* Munſter, *and the Bullets to be provided at* Briſtol.

(3) *That* 10 *Laſts of Powder be forthwith ſpeeded by Carts to* Briſtol *for* Youghall.

(4) *That two Regiments of* 1000 *Foot in a Regiment, be forthwith raiſed for Volunteers, out of the* Weſtern *Countries, and that the Colonels may be contracted with at* 30 s. *for every Soldier, for the raiſing and tranſporting them into* Munſter.

1641.
Decemb.

(5) *That their Entertainment may be the ſame, that the Houſe hath allowed for other Officers, and that they may be Muſtered at their Landing in* Munſter, *and that the Officers Pay then begin.*

(6.) *That Arms and Munition may be ſent from hence for thoſe 2 Regiments, and that Sir* Charles Vavaſor *be required to haſten the raiſing of his 500 Men appointed by the Houſe for* Munſter.

(7.) *That the Lords be deſired to joyn with the Houſe herein, That his Majeſty may be moved from both Houſes for the Arms and Munition.*

(8.) *That 2 Ships about 200 Tun apiece, Rigged and provided as Men of War, may be hired at* Briſtol *for the preſent Guarding of the Coaſts of* Munſter, *and to Tranſport Men, Arms and Munition from hence.*

(9.) It is likewiſe Ordered, *That Levy-Mony ſhall be allowed to the Lord* Inchequin *and Mr.* Jepſon, *for the Raiſing 2 Troops of Horſe, each of them conſiſting of* 100 *Men, after the Rate of* 10 l. *a Horſe; and that Arms ſhall be provided both for the aforeſaid 2 Troops, and likewiſe for a third of* 100 *Men to be Raiſed and Commanded by Sir* William Courtney; *all which 3 Troops are to be Payed by the Province of* Munſter, *according to the Rate allowed to other Troops in the* Iriſh *Army.*

(10.) It is deſired, *That the Lords would joyn with this Houſe to move his Majeſty to Grant a general Warrant to the Earl of* Newport *for the Iſſuing of ſuch Arms and Ammunition from time to time, as ſhall be thought fit by both Houſes of Parliament, the King being made acquainted therewith. And likewiſe to move his Majeſty to grant a General Warrant to the Lord Lieutenant of* Ireland *for the tranſporting from time to time ſuch Men, Horſe, and Ammunition, as ſhall be thought fit by the King and Parliament.*

The Sheriffs of *London* and *Middleſex*, and Juſtices of *weſtminſter*, ordered to ſuppreſs the Tumults.

Then the Sheriffs of *Middleſex* and *London*, and ſome of the Juſtices of the Peace for *Weſtminſter* were called in, and the Statute of 13 *H.* 4. *c.* 7. was read unto them, and they were commanded to do their Duty according to this Statute now read, at their own Perils, and if they doubted of any thing, then they are to reſort to this Houſe for advice and directions therein.

Tumults ſupported and encouraged by the Commons.

The Lords did what lay in their Power to repreſs the Inſolence of the Rabble, but it was to no manner of purpoſe, for this very day a Roll of Apprentices, with one *Barnardiſton* in the head of them in a menacing and inſulting Tumult Marched down to *Weſtminſter*, and ſome ſcuffling there was about the very Gates at *White-hall*; and the Sheriffs of *London* and *Middleſex* having drawn together ſuch a Guard as they could, ſeized ſome of them, and committed them to Priſon, and the Houſe of Commons being informed thereof, immediately It was Ordered, *That Sir* Robert Pye, *Mr.* Laurence Whittaker, *Mr.* Wheeler, *and Mr. Alderman* Pennington, *do call the Officers and ſuch others unto them that have Committed ſome Apprentices, and examine the Grounds of their Commitment, and by whoſe Authority they were Committed, and Report them to the Houſe.* And Mr. *Hollis* was poſted up to the Lords with a Meſſage to let their Lordſhips know, *That the Houſe of Commons have receiv'd information of great diſorders, committed between this Houſe, and* Charing-Croſs, *that certain perſons in the Habit of Gentlemen who are reported to be Officers in the late* Engliſh *Army, and are now in* Whitehall, *or ſome places thereabouts, back'd, and countenanced by a Guard of the Trained-Bands attending about* Whitehall, *do Iſſue out in Numbers, and aſſault the Kings Subjects, going and returning in the*

Kings Peace to and from the Parliament, offering to them as they are credibly informed no Offence at all, and 20, *or* 30 *of them ſore wounded.*

Decemb. 1641.

This the Houſe of Commons conceive to be a true Violation of the Liberty of the Subject, and an affront to the Parliament, and will in the end ſtrike Aw and Terror into the Parliament, if not prevented by the Wiſdom of your Lordſhips and the Houſe of Commons.

The Houſe of Commons are likewiſe informed by a Member of their Houſe, That he going from the Houſe to his Lodging, through the Church-Yard, found there a Guard of Soldiers, and inquiring of them, by whoſe command they were there, they anſwered by the Lord Arch-Biſhop of *York*'s: If this be to be ſuffered, to have Guards ſet about the Parliament in this manner, to the Terror and affray of the People, the Houſe of Commons ſubmit it to your Lordſhips judgment, and therefore to prevent all inconveniencies, the Houſe of Commons deſire to have a Guard, otherwiſe there will follow certain Miſchief in the end, which the Houſe of Commons foreſeeing do give your Lordſhips timely warning, that if it happen they may clear themſelves to all the World.

Therefore, that we may ſtill be a free Parliament, he ſaid he was Commanded to deſire their Lordſhips, *That according to their own Propoſition, and upon ſuch conditions as the Houſe of Commons conſented to, that your Lordſhips will preſently joyn with the Houſe of Commons in an humble Petition to his Majeſty, that the Parliament may have a Guard, and ſuch a one as may be approved by both Houſes of Parliament, and to be Commanded by the Earl of* Eſſex.

Then the Lords taking this Meſſage into Conſideration, after a long debate, this Queſtion was put: *Whether this Houſe will joyn with the Houſe of Commons, in an humble Petition to his Majeſty, to deſire that the Parliament may have a Guard, and ſuch a one as may be approved of by both Houſes, and to be Commanded by the Earl of* Eſſex. And it was Reſolved Negatively.

Vote to remove the E. of *Briſtol* from the King and Council.

Beſides what hath before been taken notice of in the Conferences with the Lords, there paſſed a Vote, *That the Matters this day debated, concerning the removal of the Earl of* Briſtol *from the King and Council, be referred to a Committee, to prepare and preſent it to the Houſe.*

The Kings Meſſage concerning the 10000 *Engliſh* Volunteers, was alſo Communicated to the Commons at a Conference, but they took no notice of it.

Committee for a Declaration concerning the Obſtructions in relieving *Ireland*.

The Houſe debated the Obſtructions, which hindred the ſpeedy relief of *Ireland*, and Mr. *Hollis*, Mr. *Pym*, Mr. *Strode*, Sir *Edm. Montfort*, Mr. *Glyn*, Sir *Philip Stapleton*, Mr. *Martin*, Sir *John Hotham* and Sir *John Culpeper* were appointed a Committee, to prepare a Declaration, upon the heads this day propounded here, concerning the Obſtructions in the Affairs of *Ireland*, and the Cauſes thereof, and preſent it to the Houſe. Though truly who ever reads the Kings laſt Meſſage concerning the Volunteers, may find without the help of this Declaration, that the Committee themſelves and their Faction in the Houſe, were the only Obſtruction in this Affair. And for all their ſeeming Zeal, yet this Rebellion in *Ireland*, was ſuch a neceſſary handle to their preſent Affairs, and future Deſigns, that they were reſolved not to part with it, till they had ſerved their own turn with it; and happen the worſt, they were reſolved the miſcarriages ſhould not ly at their doors, ſo long as they could have 15000 Porters, to take the Burden from their Backs and Petition it to the Biſhops, the Houſe of Lords, or the Kings Back, if occaſion required. They had indeed gained ſuch an intire Aſcendant upon the faith of the Populace, that whoever they accuſed of it, they were aſſured would be believed Guilty.

And that they might not be wanting to inflame the People into farther Tumults, and leſt they ſhould cool in the ſervice of crying *No Biſhops*, and affronting the King and the Laws, even at the Gate of his Majeſties Royal Palace.

Order of the Commons for a double Watch.

It was Ordered, *That the Bailiff, and other Officers of* Weſtminſter, *be required from this Houſe to take Care, that a double Watch and Guard may be kept about this City and Suburbs this Night.* And to improve and ſecond this Invention, ſome of their Infamous and Malicious Agents, made Out-Cries in the City, That all People ſhould riſe for their Defence, for that the King with his Papiſts were coming to Fire the City, and Cut their Throats. Which helliſh Calumny backed with the ſuſpitious Order of the Commons, inflamed the People for want of Sleep and Reaſon to cool their Brains, and ſee into the wicked Artifice, to thoſe Degrees, that theſe imaginary Dangers wrought them up to the ſame height of Frenzy and Madneſs, that the moſt real Miſchiefs could have done; and Ignorance being both the Mother of Credulity and Fear, thoſe wicked Incendiaries, who had kindled theſe Flames, ceaſed not to feed theſe two Paſſions with conſtant Fewel, and to blow them up into Diſcontent and Hatred of his Majeſty and the Government, as deſigning their Ruin and Deſtruction, and not their Safety, Happineſs and Protection.

Thurſday, Decemb. 30.

This Day the Lord Keeper acquainted the Houſe of Lords, *That the King had commanded him to deliver a Petition to their Lordſhips which was preſented to him*; whereupon the Houſe commanded the ſaid Petition to be read, which was in theſe Words.

To the King's Moſt Excellent Majeſty, and the Lords and Peers, now Aſſembled in Parliament.

The Humble Petition and Proteſtation of all the Biſhops and Prelates, now called by his Majeſties Writs, to attend the Parliament, and preſent about *London* and *Weſtminſter*, for that Service.

The Petition and Proteſtation of the Biſhops, *Decemb.* 30, 1641.

That whereas the Petitioners are called up by ſeveral and reſpective Writs, and under great Penalties, to attend in Parliament, and have a clear and indubitate Right to Vote in Bills, and other matters whatſoever, debateable in Parliament, by the ancient Cuſtoms, Laws and Statutes of this Realm, and ought to be protected by your Majeſty, quietly to attend and proſecute that great Service.

They humbly Remonſtrate and Proteſt before God, your Majeſty, and the Noble Lords and Peers, now Aſſembled in Parliament, that as they have an indubitate Right, to ſit and Vote in the Houſe of the Lords, ſo are they (if they may be protected from Force and Violence) moſt ready and willing to perform their Duties accordingly. And that they do abominate all Actions or Opinions tending to Popery, and the maintenance thereof; as alſo, all Propenſion and Inclination to any malignant Party, or any other Side or Party whatſoever, to the which their own Reaſons and Conſciences ſhall not move them to adhere.

Decemb. 1641.

But whereas they have been at ſeveral times violently Menaced, Affronted, and Aſſaulted by multitudes of People, in their coming to perform their Services in that Honourable Houſe; and lately chaſed away, and put in danger of their Lives, and can find no redreſs or protection, upon ſundry complaints made to both Houſes in theſe Particulars.

They likewiſe humbly proteſt before your Majeſty, and the Noble Houſe of Peers, That ſaving unto themſelves all their Rights and Intereſts of Sitting and Voting in that Houſe at other times, they dare not Sit or Vote in the Houſe of Peers, until your Majeſty ſhall further ſecure them from all Affronts, Indignities and Dangers in the Premiſſes.

Laſtly, Whereas their Fears are not built upon Phantaſies and Conceits, but upon ſuch Grounds and Objects, as may well terrifie Men of good Reſolutions, and much Conſtancy. They do in all Duty and Humility, proteſt before your Majeſty, and the Peers of that moſt Honorable Houſe of Parliament, againſt all Laws, Orders, Votes, Reſolutions and Determinations, as in themſelves Null, and of none effect; which in their Abſence, ſince the 27 of this inſtant Month of December 1641, *have already paſſed; as likewiſe againſt all ſuch as ſhall hereafter paſs in that moſt Honorable Houſe, during the time of this their forced and violent Abſence from the ſaid moſt Honorable Houſe; not denying, but if their abſenting of themſelves were willful and voluntary, that moſt Honorable Houſe might proceed in all theſe Premiſſes, their Abſence or this their Proteſtation notwithſtanding.*

And humbly beſeeching your moſt Excellent Majeſty to command the Clerk of that Houſe of Peers, to enter this their Petition and Proteſtation amongſt the Records,

They will ever pray to God to bleſs and preſerve, &c.

Joh. Eborac: Tho. Dureſme, *Rob. Co. & Lich. Joſ. Norwich, Jo. Aſaphen. Guil. Ba. & Wells, Geo. Hereford, Rob. Oxon. Mat. Ely, Godfr. Gloceſt. Jo: Peterburg, Morg. Landaff.*

Conference about the Petition of the Biſhops.

Hereupon a Meſſage was ſent to the Commons to deſire a preſent Conference by a Committee of both Houſes, to Communicate to them the Petition of the Biſhops, and to let them know, *That the Petition containing matters of high and dangerous Conſequence, ſuch as their Lordſhips are very ſenſible of, and require a ſpeedy and ſuddain Reſolution; the Petition extending to the deep intrenching upon the Fundamental Priviledges and being of Parliament.*

In the afternoon the Lord Keeper Reported, *That he had according to their Lordſhips command, moved the King in the humble deſire of both Houſes, concerning the keeping of a monthly Faſt, during the troubles in* Ireland, *throughout the Kingdom; and for the* 20th. *of* Jan. *next to be kept a Faſt; and that he would be pleaſed to give order that a Proclamation may iſſue forth for that Purpoſe; to which his Majeſty was pleaſed to give conſent, and will give a Warrant for a Proclamation to iſſue forth preſently.*

The Commons by this Meſſage concerning the Biſhops, finding they were fallen under the diſpleaſure of the Lords, laid immediately hold of this fair occaſion, and fell to work upon the matter; and having firſt Ordered, *That no Member of the Houſe do go forth of the Houſe during this debate, and that the Door be lock'd, and the Key brought up; the outward Room cleared and the Door likewiſe lock'd, and the Key brought up; and that no Paper be delivered out.*

What the Debate was I cannot tell, but there is an Order, which is Cancelled, in theſe words, *That two of the Citizens that ſerve for the City, ſhall go into the City, and acquaint them that this Houſe is beſet and in danger.* But it ſeems upon cooler thoughts and more deliberation they thought this would too publiquely ſhew that they were the Authors of the Tumults and Routs, as in reality by this it appears they were; and therefore this was altered, and it was Reſolved, &c. *That this Houſe ſhall renew their deſire of a Guard, upon the Reaſons which the Petition of the Biſhops this day read gives them occaſion to deſire it.* But whatever was the beginning of the debate, the end of it was to fall upon the Biſhops; and therefore it was Reſolved upon the Queſtion, *That* John *Arch-Biſhop of* York *ſhall be accuſed by this Houſe, in the Name of all the Commons of* England *of High Treaſon.*

Votes againſt the Biſhops by the Commons upon their Petition and Proteſtation.

Reſolved, &c. *That* Thomas *Biſhop of* Durham *ſhall be Accuſed by this Houſe in the Name of all the Commons of* England, *of High Treaſon.*

The ſame Vote *in terminis* paſſed ſeverally againſt *Joſeph* Biſhop of *Norwich*, *Robert* Biſhop of *Coventry* and *Lichfield*, *John* Biſhop of St. *Aſaph*, *William* Biſhop of *Bath* and *Wells*, *George* Biſhop of *Hereford*, *Matthew* Biſhop of *Ely*, *Robert* Biſhop of *Oxon*. *Godfrey* Biſhop of *Glocester*, *John* Biſhop of *Peterborough*, and *Morgan* Biſhop of *Llandaff*.

And Mr. *Glyn* was Ordered to go up to the Lords with this Meſſage, to take notice of the Lords reſpect to this Houſe in Communicating this Petition with ſo much ſpeed, and ſo much affection, and for expreſſing their ſenſe of the Petition of the Biſhops, which he Immediately did:

The twelve Biſhops accuſed by the Commons of High Treaſon for the Petition.

And declared, *That he was commanded to Accuſe, and did Accuſe* John *Arch-Biſhop of* York, Tho. *Biſhop of* Durham, Joſeph *Biſhop of* Norwich, Robert *Biſhop of* Coventry *and* Litchfield, John *Biſhop of St.* Aſaph, William *Biſhop of* Bath *and* Wells, George *Biſhop of* Hereford, Matthew *Biſhop of* Ely, Robert *Biſhop of* Oxon. Godfrey *Biſhop of* Glocester, John *Biſhop of* Peterborough, *and* Morgan *Biſhop of* Llandaff, *in the Name of the Houſe of Commons, and of all the Commons of* England, *of High Treaſon, for indeavouring to Subvert the Fundamental Laws of this Realm, and the Being of Parliament, by preferring this Petition and Proteſtation: And the Houſe of Commons deſires, that they may be forthwith Sequeſtred from Parliament, and forthwith Committed into ſafe Cuſtody: And that a ſpeedy Day may be given them for their Anſwers, and the Houſe of Commons will be ready to make good their Charge.*

The Biſhops taken into Cuſtody.

Hereupon it was Ordered, *That the* 12 *Biſhops that are Accuſed of High Treaſon, ſhall be forthwith brought before this Houſe, and committed to ſafe Cuſtody.* And accordingly order was given to the Gentleman-Uſher attending the Houſe to bring them.

After which the Earl of *Bath* reported the Kings Anſwer to the Petition preſented to His Majeſty from both Houſes, concerning the Earl of *Newport*, and others, *viz.*

My Lords and Gentlemen,

The King's Anſwer to the Petition concerning the *Kenſington* matter.

IT is true that I have heard Rumors of ſome Propoſition that ſhould have been made at Kenſington, *for the ſeizing of the Perſons of my Wife and Children. And in things of ſo high a Nature, it may be fit for any Prince to inquire, even where he hath no belief, nor per-*

ſwaſion of the thing; ſo I have asked Newport *ſome Queſtions concerning that Buſineſs, but far from that way of expreſſing a belief of the thing, which* Newport *hath had the boldneſs and confidence to affirm, which I could eaſily make appear, but that I think it beneath me, to conteſt with any particular Perſon. But let this ſuffice, that I aſſure you, I neither did nor do give credit to any ſuch Rumor: As for telling the Name of him who informed Me, I do ſtick to the Anſwer which I gave to your laſt Petition upon the like particular.*

After the Reading of this it was Ordered, *That a Copy of this Anſwer be ſent to the Houſe of Commons.*

Bill for preſſing Marriners paſſed the Lords Houſe.

The Bill for preſſing of Marriners, *&c.* was read a third time in the Lords Houſe, and being put to the Queſtion, it was conſented to, for to paſs as a Law.

Report of the Conference with the Commons about the ſafety of the Kingdom.

After which the Lord Keeper Reported the Conference with the Commons, touching the ſafety of the Kingdom: *That Yeſterday the Houſe of Commons ſent up a Meſſage to their Lordſhips, wherein they Expreſſed their Fears of the ill Conſequences which will happen by the many diſorders and aſſaults made upon the King's Subjects, to the Violation of their Liberties and Peace, going to, and returning from the Parliament: for preventing whereof, and for the ſecuring of the Parliament they deſired that their Lordſhips would joyn with them, to deſire His Majeſty that the Parliament may have ſuch a Guard, as both Houſes might confide in, that they might be commanded by the Earl of* Eſſex; *to which deſire the Houſe of Commons have yet received no Anſwer: They deſire therefore their Lordſhips would take theſe following Reaſons into Conſideration by way of addition to their former.*

(1.) *The Inſolent and Traiterous Petition and Proteſtation of the Biſhops, preferred this day to their Lordſhips, which the Houſe of Commons conceive they durſt not dare to have done, without ſome Back in their Deſign.*

(2.) *They deſire to have a Guard, becauſe they hear that the King hath a Guard at* White-Hall, *as apprehending it fit. And the Houſe of Commons conceives, that thoſe that are Enemies to the King, are likewiſe Enemies to the Parliament, and thoſe that are Enemies to the Parliament are Enemies to the King.*

The Lords then took this Meſſage into Conſideration, and Debated, *Whether this Houſe ſhould recede upon theſe further Reaſons, from the Vote given laſt night concerning the Guards.*

And it was Reſolved upon the Queſtion by the major part, *That this Houſe thinks it not fit upon ſuch Reaſons as have now occurred to alter at this time the Vote laſt night, and to joyn with the Houſe of Commons to deſire a Guard.* And it was Ordered, *That theſe two Votes be Communicated to the Commons by Serjeant* Ayliff, *and Serjeant* Glanvile.

The Impeached Biſhops at the Lords Bar.

After which the Houſe having notice that the Biſhops that were Accuſed of High Treaſon, were attending without, the Houſe gave directions they ſhould be ſeverally called in, and have their Accuſation made known unto them by the Lord Keeper, and then, if they deſired to ſpeak they ſhould be heard.

Firſt *John* Arch-Biſhop of *York* was brought in by the Gentleman-Uſher, and having kneeled at the Bar as a Delinquent, he was commanded to ſtand up, and then the Lord Keeper told him, *That the Houſe of Commons, in their Name, and of all the Commons of* England, *had Accuſed*

Decemb. 1641.

cuſed him, and others of the Biſhops with High Treaſon, for endeavouring to Subvert the Fundamental Laws of this Realm, and the Being of Parliament, by preferring their Petition, and Proteſtation this day to the Houſe of Lords.

The ſaid Arch-Biſhop, deſired leave of the Houſe to Speak a few words, which the Houſe granting, he ſaid, *He would not at this time make any Demurrer to the Charge, as having never heard it before, but he deſired their Lordſhips would give him leave to do as he ſhould be adviſed when he came to Anſwer*; and then he withdrew.

The Biſhop of *Durham* was in the ſame manner brought to the Bar; and the Lord Keeper repeated unto him the ſame Charge, and he having leave to Speak, ſaid, *That this was the greateſt Miſery that ever befell him, and what he did was not with any Malicious or Treaſonable Intent; but he going by chance to the Arch-Biſhop of* York's *Houſe about two days ago, he found ſome Biſhops there, and the Petition Signed by many of the Biſhops; and being deſired to Subſcribe the ſaid Petition, he read it over, and took ſome Exception at it, but he was drawn to it, by their Inducements; and he did Subſcribe it only to preſerve his Right in Voting in Parliament; and deſiring their Lordſhips to have pitty upon him, being a Man of great Years,* he withdrew.

And then in the ſame manner the Biſhop of *Norwich* was brought to the Bar, and after he had heard his Accuſation, he ſaid, *That this was the heavieſt Affliction that ever beſel him; and profeſſed it was far from his thoughts to be guilty of an Offence of ſo high a Nature; and confeſſed he Subſcribed the Petition and Proteſtation, but he deſired the reſt of his Brethren the Biſhops, that it might be very well conſidered before it was delivered; but whether it was, he knows not.*

Next the Biſhop of *Coventry* and *Litchfield* was brought to the Bar after the ſame manner, and confeſſed, *He Subſcribed the Petition, but craved their Lordſhips beſt Conſtructions, for he did it not with any Traiterous Intentions, and ſubmitted himſelf to the Pleaſure of this Houſe.*

Next in the ſame manner the Biſhop of St. *Aſaph* was brought to the Bar, and confeſſed, *That he Subſcribed the ſaid Petition, but the thoughts of Treaſon were far from his heart, and deſired their Lordſhips favour to him.*

The Biſhop of *Bath and Wells,* who acknowledged, *He ſet his hand to the ſaid Petition, but without any ill intent.*

The Biſhop of *Hereford* was next, who ſaid, *That when time was fitting, he would make his humble Anſwer to his Charge, but deſired to ſay nothing for the preſent.*

The Biſhop of *Ely* was the next, who made this ſhort and diſcreet Anſwer, *He deſired their Lordſhips would excuſe him for Speaking now, leſt he ſhould do himſelf more hurt by Speaking then by Silence.*

The Biſhop of *Oxon*, who confeſſed, *He ſet his hand to the Petition, but his Offence is through Ignorance, and therein Craves their Lordſhips Compaſſion.*

Then the Biſhop of *Gloceſter*, who confeſſed, *He ſet his hand to the Petition, but that he was one of the laſt that Subſcribed it, which he profeſſed was not done with any Traiterous intent, but through Ignorance, and Submitted himſelf humbly to the Wiſdom of the Houſe.*

The Biſhop of *Peterborough*, anſwered, *That he did ſet his hand to the Petition, but he never had any ſuch ill intent as is Expreſſed in the Charge, but what is done is through Ignorance; and he Submitted himſelf to their Lordſhips Pleaſure.*

The Biſhop of *Landaff* being not now to be met with, was ordered to be brought to Morrrw.

The Biſhops Committed, *Durham* and *Coventry* to the *Black Rod*, the reſt to the *Tower*.

Then it was Ordered, *That the Biſhop of* Durham, *and the Biſhop of* Coventry *and* Litchfield, *ſhall forthwith be Committed to the ſafe Cuſtody of the Gentleman Uſher attending this Houſe ; and the reſt of the Biſhops, now accuſed of Treaſon, ſhall be forthwith Committed to the Tower of* London, *there to remain until the further pleaſure of this Houſe be known.*

It was alſo Ordered, *That the ſaid Biſhops ſo accuſed, ſhall put in their Anſwer into this Houſe to Morrow Sennight.*

The Earl of *Holland* reported, *That the Lords had acquainted the King with the deſires of both Houſes, that his Majeſty would be pleaſed to give Warrants to the Earl of* Newport, *for ſending Powder for the ſervice of* Ireland, *and his Majeſty is willing thereunto, and will give Warrants when he knows the particulars ; but his Majeſty deſires the Parliament will take care, that Powder be made to Supply his Stores again.*

The Biſhop of *Winton* ſitting this day in the Lords Houſe, it was Moved, *That the Petition and Proteſtation Exhibited this day, being in the Name of all the Biſhops, that he might be put to Anſwer, Whether he conſents, or diſaſſents and diſclaims the ſaid Petition and Proteſtation, before he be ſuffered to ſit and Vote in this Houſe.*

Biſhop of *Winton* Diſclaims the Proteſtation of the Biſhops.

Whereupon the ſaid Biſhop anſwered, *That he never knew of any ſuch matter.* Hereupon the Houſe gave him leave to read over the ſaid Petition, and give his Anſwer therein, which was, *That he never read the Petition before, and he doth now utterly diſclaim it.* And with this Anſwer the Houſe was ſatisfied.

30000 *l.* Borrowed of Merchant Adventurers for *Ireland*.

In the Houſe of Commons beſides the matters before related, Sir *Hen. Mildmay* Reports, *That this being the day, that the Merchant Adventurers ſhould have given in their Anſwers, concerning the loan of Moneys ; that they have freely condeſcended to lend* 30000 l. *upon the Security of an Ordinance of Parliament, till an Act of Parliament can paſs.* Whereupon Sir *Hen. Mildmay* and Sir *Thom. Barrington* were appointed to prepare an Ordinance of Parliament for their Security, and preſent it to the Houſe.

It was Ordered, *That this* 30000 l. *now borrowed of the Merchant Adventurers ſhall be kept together Entire, and not diſpoſed of, till the* Scotch *Propoſitions be agreed upon, either for their Rejection or Entertainment.*

Then the Propoſitions from the *Scotch* Commiſſioners were read, and then particularly handled one by one, and it was

The *Scotch* Propoſitions Voted.

Reſolved, &c. *That this Houſe is of Opinion, that ſome Maritine Towns in the North of* Ireland, *ſhall be put into the hands of the* Scotch, *to be Places for their Retreat, Magazines and Garriſons.*

Reſolved, &c. *That this Houſe is of Opinion, that the Towns to be put into the hands of the* Scotch *as aforeſaid, be the Town and Caſtle of* Carrick-Fergus *and* Colragne. Ordered, *That the Commiſſioners appointed to treat with the* Scotch *Commiſſioners ſhall treat with them ; that thoſe* Engliſh *Forces, that ſhall be Employed in* Ulſter, *may repair to thoſe Towns upon occaſion.*

Reſolved, &c. *That this Houſe is of Opinion, that thoſe Towns ſhall remain in the* Scotch *hands, until the War ſhall end, or that they ſhall be diſcharged of that Service.*

Decemb. 1641.

Then the Votes of the Lords before Ordered to be Communicated to the Commons were read, and the Commons reſolving to puſh forward the Bill againſt the Biſhops upon this occaſion, took it very patiently at this time, that they refuſed to joyn with them to Petition the King for a Guard, only it was Reſolved, *&c. That Sir* Robert Pye, *Mr.* Glyn, *and Mr.* Wheeler, *Juſtices of the Peace for the City of* Weſtminſter, *ſhall take care that good Watches ſufficiently Armed, ſhall be ſet in ſuch convenient Places as ſhall be neceſſary for the ſafeguard of the Houſe.* It was alſo Ordered, *That Mr.* Wheeler *do take Care for the providing of* 20. *Halberts for the Service of this Houſe.*

Friday, *Decemb.* 31.

This day the Biſhop of *Landaff* was brought to the Bar in the ſame manner the reſt of the Biſhops had been before, and after he had heard his Accuſation of *High Treaſon*, he ſaid, *That on* Wedneſday *laſt one came to him with the Petition about Four of the Clock in the Afternoon, and he only read the beginning of it, and found fault with the Word,* Whatſoever; *but he blamed his own Indiſcretion, that he did not read it all, and there being eight hands Subſcribed before him, and ſuch as were his Ancients, who he thought had underſtood themſelves better, then to commit an Offence of ſo High a Nature; he confeſſed he ſet his hand thereunto likewiſe; but he ſaid he would plead nothing but Ignorance, and Indiſcretion, that he read not the Petition over; and profeſſed, that he had no Intention to overthrow the Fundamental Laws of this Realm; nor to commit any of the other Offences he is Accuſed of; Therefore deſired he might not feel the Weight of their Lordſhips Juſtice but Mercy, and deſired that he might be Bailed upon good Security.*

Biſhop of *Landaff* ſent to the *Tower.*

The Houſe taking this into Conſideration, Ordered, *That the Biſhop of* Landaff, *ſhall be forthwith committed to the Tower of* London, *there to remain, until the pleaſure of this Houſe be further known.*

The Houſe then took the Propoſitions of the Commons concerning the Province of *Munſter* into Conſideration, which being read, and debated, were agreed to in every particular, and the Duke of *Richmond*, Lo. Chamberlain, E. *Briſtol* and E. of *Newport* were ordered preſently to attend the King, and move him from both Houſes, concerning the 1. 3. 7. and 1*th* Articles of the aforeſaid Propoſitions.

A Meſſage from the Commons to revive the Bill againſt Biſhops Votes in the Houſe of Lords.

The Commons thinking it now to be the moſt ſeaſonable Opportunity to ſtrike while the Iron was hot, did one of the firſt things they did this Day, Vote to ſend up a Meſſage to the Lords, to remind them of the Bill againſt the Biſhops Votes; and accordingly Mr. *Peard* brought up a Meſſage from the Commons, to let their Lordſhips know, *That whereas divers Months ago the Houſe of Commons ſent up a Bill for the taking away the Votes of the Biſhops out of this Houſe, the Houſe of Commons conceive, That in regard of the many other buſineſſes, their Lordſhips have not yet taken it into Conſideration. They deſire their Lordſhips to take the ſame into Conſideration with Expeditiou, becauſe they conceive it to be a Matter of great Concernment.*

The Anſwer was, *That their Lordſhips will take the ſame into Conſideration in convenient time.*

The Lords that went to move the King concerning the Propoſitions touching *Munſter*, reported, *That the King returns this Anſwer for the preſent, that there ſhall be no delay in the Buſineſs, but that he will ſpeak with the E. of* Newport *Maſter of the Ordnance, concerning the Stores, and accordingly will give Warrant for Tranſporting of the Ammunition as is deſired.*

Memorandum, *That this Houſe intends to have a Conference with the Houſe of Commons on* Monday *next, about ſetting of Armorers on work to make new Arms for ſupplying the King's Stores, and likewiſe about the preſervation of Salt-Peter Mines, and Proviſions of Powder.*

In the Commons Houſe, the Lords having by Meſſengers given the Commons an Account of the Commitment of the Biſhops, Mr. *Wheeler*, Mr. *Glyn*, Mr. *White*, Mr. *Bridgman*, Mr. *Hill*, Serjeant *Wild*, Mr. *Rigby*, Mr. *Ellis*, Mr. *Peard*, were appointed a Committee, or any three of them to meet at ſuch time, as they ſhall think fit to conſider of the Impeachment, already made by the Houſe of the 12 Biſhops, and whether it be needful to add any thing more to it, and which way will be beſt for the Houſe, to proceed in, to bring them to a ſuddain Trial.

A Committee to wait upon the King for a Guard.

Then Mr. *Hollis*, Sir *Henry Mildmay*, Sir *John Holland*, Sir *Sydney Mountague*, Sir *Chriſtopher Wray*, Lo. *Cranborn* and Mr. *Herbert Price*, were appointed to wait upon the King from this Houſe, and to repreſent unto his Majeſty the grounds of our Fears, and to deſire, *That this Houſe may have a Guard of the Trained Bands of the City of* London, *under the Command of the Earl of* Eſſex; *and Mr.* Hollis *is to deliver this Meſſage.*

It ſeems there were at this time Drums beat up for Volunteers for *Ireland*, of which the Commons being informed, who were reſolved to Ingroſs the whole Affair into their own Hands, immediately Mr. *Rigby*, Sir *Arthur Haſlerig*, Sir *Thomas Barrington*, Sir *Walter Earl*, Mr. *Wheeler*, Mr. *Glyn*, Mr. *Boſvile*, Mr. *Darley*, Sir *Robert Pye*, Mr. *Whittaker*, Sir *Gilbert Gerrard*, Sir *John Franklin*, Mr. *Purfrey*, and the Citizens for *London*, or any four of them, were appointed to be a Committee, to make Inquiry by what Warrant the Drums for Volunteers do beat up, and Men are raiſed; and to inform themſelves what Numbers are levied; and to tender the Oaths of Allegiance and Supremacy; and to ſend for Conſtables, Officers and other Perſons whatſoever, and for Commiſſions and Writings, and are to meet when and where they pleaſe.

Mr. *Hollis* Reports, *That he obeyed the Commands of this Houſe; That his Majeſty gave this Anſwer, That he did deſire to give a ſpeedy Anſwer to any thing that imports the Houſe of Commons, but ſaid, he could not remember what was delivered, it conſiſting of ſo many Particulars, and therefore deſired to have it in Writing:* And he further ſaid, *That we were called here to ſit by his Majeſties Writ, and were under his Safety, and that ſhould tender us as his Children.* Upon this Mr. *Price* and Sir *Henry Mildmay* were ordered to carry this Meſſage for a Guard in Writing, and to acquaint his Majeſty, *That though the Houſe hath adjourned it ſelf till* Monday *next, yet they have left Power with Mr. Speaker, to receive ſuch Anſwer, as his Majeſty ſhall pleaſe to ſend to the ſaid Meſſage.* And Mr. *Hollis*, Mr. *Pym*, Sir *Samuel Luke*, Mr. *Rigby*, Mr. *Wheeler*, Sir *Walter Earl*, Sir *Thomas Barrington*, Mr. *Strode*, Sir *William Litton*, Mr. *Glyn*, Mr. *Long* and Lo. *Cranborne*, were appointed to be a Committee, to conſider of ſuch Anſwer, as his Majeſty ſhall pleaſe to ſend to the Meſſage of the Houſe concerning a Guard; and if his Majeſty ſhall not vouchſafe to ſend any, to conſider, what then ſhall be fit to be done, for the Safety of the King and Kingdom, and Mr. Speaker to have power to receive his Majeſties Anſwer, and ſend it to the Committee.

Then Mr. *Hollis* preſented in Writing the Meſſage, which he had formerly delivered, which was read and Voted, and was in theſe Words.

Decemb. 1641.

The Meſſage of the Commons to the King concerning a Guard.

Moſt Gracious Sovereign,

WE are ſent by the Knights, Citizens and Burgeſſes of the Houſe of Commons, your Majeſtie's faithful and Loyal Subjects, who are ready to lay down their Lives and Fortunes, and ſpend the laſt drop of their Blood, to maintain your Crown and Royal Perſon in Greatneſs and Glory; and do by us caſt themſelves down at your Royal Feet, to preſent unto your Majeſty their humble Deſires, upon their great Apprehenſions, and juſt Fears of miſchievous Deſigns and Practiſes to Ruin and Deſtroy them: there have been ſeveral Attempts heretofore, to bring Deſtruction upon their whole Body at once, and Threats and Menaces againſt particular Perſons. There are a malignant Party, bitterly invenomed againſt them, daily gathering Strength and Confidence, and now come to ſuch height as they have given boldneſs to ſome, to embrue their Hands in the Blood of your Subjects, in the Face, and at the Door of the Parliament, and at your Majeſties own Gates, and have given out Inſolent and Menacing Speeches againſt the Parliament it ſelf. This cauſes great Diſtractions among the People in general, and much Fear and Apprehenſions in the Houſe of Commons; That they conceive they cannot with the Safety of their Perſons, upon which the Safety and Peace of the whole Kingdom doth now depend, ſit any longer unarmed and unguarded as they are; They have therefore their recourſe unto your Majeſty, moſt humbly beſeeching you, that it may ſtand with your good liking, if they provide for their own Safety, which the very Law of Nature and Reaſon doth allow unto them.

It is their Humble Deſire, That they may have a Guard out of the City of London, *commanded by the Earl of* Eſſex, *Lord Chamberlain of your Majeſties Houſhold, of whoſe Fidelity to your Majeſty, and the Common-Wealth, they have had long Experience. By this your Majeſties Grace and Favor, you will remove their Fears, fill them with Comfort and Aſſurance, and enable them to ſerve your Majeſty in ſuch a Way, as ſhall render your Majeſty and your Government happy and glorious. And to this they do moſt humbly deſire your Majeſties gracious and ſpeedy Anſwer, becauſe their Safety and the Safety of the whole Kingdom depends upon it, and will not admit of any delay.*

Pity it is, that ſo curious a Skin ſhould always cover the Serpent, and that mortal Poiſon ſhould dwell in a Golden Vial. Certainly never Men that meant ſo ill, knew better how to ſpeak ſo well, and if ever drawn Swords were artificially concealed in the ſoft Scabberd of tender and oily Words, it was when theſe People courted the King moſt zealouſly in hopes of being denied; for they ever crept loweſt, when they aimed moſt at the Throat of Royalty. They had raiſed all the Tumults and Uproars, as is moſt Evident, and were themſelves guilty of the Diſorders; they refuſed to joyn with the Lords in a Legal Way, by Proclamation, and the Laws to ſuppreſs them; puniſhed the Officers, and turned off the Guards appointed legally to keep the Peace; and now unleſs the King will grant them a Guard, all this muſt be placed to his Majeſties Accounts, and the Rabble be excited to affront him and force him from *White-Hall*, which was what they longed to be at, as hereafter we ſhall ſee.

However his Majeſty returned this Gracious Anſwer to their Meſſage, which might have abundantly ſatisfied them, if they had not been beforehand reſolved not to be ſatisfied with any Anſwer which his Majeſty could in Honor give, or good Subjects in Reaſon expect.

The King's Anſwer to the Meſſage concerning a Guard.

WE have taken the laſt Meſſage from you, touching your deſire of a Guard, into ſerious Conſideration, and truly with great grief of heart, that after a whole Years ſitting of this Parliament, wherein you have obtained thoſe things, for the happineſs and ſecurity of your ſelves, and the reſt of Our Subjects, as no Age can equal, inſtead of reaping in Peace and Tranquility the fruits of your Labours, and of Our Grace and Affection to Our People, We ſhould find Jealouſies, Diſtruſts and Fears, ſtill ſo prevalent amongſt you, as to induce you to declare them unto Us in ſo high a meaſure, as you have done at this time.

We are wholly ignorant of the grounds of your Apprehenſions, but this We do proteſt, before Almighty God, to whom We muſt be accountable for thoſe whom he hath intruſted to our Care and Protection, that had We any knowledge or belief of the leaſt Deſign in any, of violence, either formerly, or at this time, againſt you, We would purſue them to condign puniſhment, with the ſame Severity and Deteſtation, that We would do the greateſt attempt upon Our Crown.

We know the Duty of that place where God hath ſet Us, the Protection We ow to all Our Loyal Subjects, and moſt particularly to you called to Our Service by Our Writs; and We do engage unto you Solemnly the Word of a King, that the Security of all and every one of you from violence, is, and ſhall ever be, as much Our Care as the preſervation of Us and Our Children.

And if this general Aſſurance ſhall not ſuffice to remove yonr apprehenſions, We will Command ſuch a Guard to wait upon you, as We will be reſponſible for, to him who hath incharged Us with the Safety and Protection of Our Subjects.

White-Hall, *Jan.* 3*d.*

The Inſolency of the Tumults was inexpreſſible, inſomuch that ſeveral young briſk Gentlemen of the Inns of Court, came and voluntarily offered themſelves to his Majeſty at *White-Hall*, to Guard his Perſon from the Rabble, whoſe deportment was ſo unſufferable, that 'tis a Miracle no more miſchief came of it; but ſuch was his Majeſties tenderneſs and caution, that he would not permit theſe young Gentlemen ſo much as to Exaſperate that Rude Crew, but having given them thanks for the offer of their Service, and ordered them to be handſomly entertained at Tables provided for them, they were diſmiſſed: Though afterwards a great noiſe, and a Plot was made of drawing theſe young Gentlemen into a Deſign to do ſome ſtrange things.

But though his Majeſty thought not fit to make Uſe of their Aſſiſtance; yet he ſent to the Lord Mayor to call a Court of Aldermen and Common-Council, and to propoſe to the City the care of Suppreſſing theſe Tumultuary Aſſemblies; an account of which Court and proceedings was as follows.

Proceedings at a Court of Aldermen and Common-Council, upon a Meſſage from the King by L. *Newburgh*, concerning Tumults, *Dec.* 31. 1641.

A Common-Council held at *Guild-Hall* in the City of *London*, the One and Thirtieth of *December*, 1641.

Commune Concilium tent' in Camera Guild-Hall *Civit'* London' *Triceſſimo primo die* Decemb. 1641, *poſt Meridiem. Anno Reg' Dom' noſtri* Caroli

Decemb. 1641.

Caroli nunc Regis Angliæ, &c. *decimo ſeptimo, coram* Richardo Gurney *Milite & Baronetto, Majore Civit. London.* Tho. Garnier *Milite ejuſdem Civit. Record.* Ed. Bromſeild *Milit.* & Ed. Wright *Mil. & Alderm. dictæ Civit.* Johan. Cordell, *Mill.* Joh. Gayer *Mil.* Jacobo Gerrard *Mil. ac Alderm.* Tho. Atkin *Alderm.* Joh. Wallaſton *Mil. & Alderm.* Tho. Adams, Jo. Warner, Jo. Towſe Abrah. Reynardſon & Tho. Auſtin *Predict. Civit. Alderm. ac* Georgio Garret, & Georgio Clarke *Mil. & Alderm. ac vicecom. Civit. Prædict. necnon majore parte Conciliariorum de Com. Concilio ejuſdem Civitat. tunc & ibidem aſſemblat.*

At this Common-Council Mr. Recorder declared, *That by the direction of the Right Honourable the Lord Major, he was to ſignifie to them the cauſe of their now Aſſembly, how that his Lordſhip had yeſterday received a Letter from Sir* Edward Nicholas *Knight, one of his Majeſties principal Secretaries of State, intimating, that it was his Majeſties pleaſure, his Lordſhip ſhould call a Common-Council againſt this time, and then his Lordſhip ſhould be advertiſed of his Majeſties further pleaſure, and that there was now at this preſent in the Council Chamber an Honourable Perſon, being the Lord* Newburgh, *Chancellor of his Majeſties Court of the Dutchy, and one of his Majeſties moſt Honourable Privy-Council, come hither to deliver his Meſſage to this Court:* And thereupon the Right Honourable the Lord *Newburgh* was deſired to come into this Court, who being here declared and ſaid in this manner: Gentlemen, his Majeſty out of his good affection towards the City, and acknowledging of your great Loves lately ſhewed unto his Highneſs, hath ſent me with a Meſſage to you, aſſuring it to be the ſame contained in a Paper, which he preſented, and deſired to be read to this Common-Council, which was accordingly done, the Tenor whereof followeth in theſe words.

There having been of late many Tumultuary and Riotous Aſſemblies of people about our Palaces of White-hall *and* Weſtminſter, *to the great diſturbance of us and our Parliament: and we having received Information, that ſome ill-affected perſons do ſtill endeavour to incite the like Tumults again, we have thought fit to recommend to your eſpecial care the preventing them as far as in you lies, eſpecially the enſuing Holy-days, at which the idleneſs of many may make them apter to ſuch diſorders. We have thought fit likewiſe to let you know, that we are ſo well aſſured of the good affections of our City of* London, *by the great expreſſions which it hath made unto us of late, that we can in no wiſe underſtand it to have any ſhare in the fault of theſe Tumults and Diſtempers, but that they proceed meerly from the mean and unruly people of the Suburbs. And as we are moſt confident of the hearts and good affections of our City of* London *towards us and our Government, and will not entertain any other opinion; ſo we do deſire them not to be diſturbed by any jealouſies that ill-affected perſons may endeavour to ſow, but to reſt moſt confident and aſſured, that the Safety, the Protection, and the Proſperity of the City ſhall ever be with us a principal care.*

After the reading of which moſt Gracious Meſſage, whereby is fully manifeſted and expreſſed his Majeſties Gracious Goodneſs, and great care for the ſafety and proſperity of this City (the Lord *Newburgh* having withdrawn himſelf) this Common-Council took the ſame into their ſerious conſideration, and how for the preſent to return by this Honourable Perſon unto his Majeſty an Anſwer with all humility and thankfulneſs; and after mnch debate, it was fully agreed and reſolved of by this Common-Council, That in the firſt place ſhould be returned and rendred unto his Majeſty from this Common-Council, as the Repreſentative Body of the whole City, their humble duty in all thankful manner, for his goodneſs and gracious love and care manifeſted to this City.

Secondly, That it ſhould be ſignified unto his Majeſty, this Court, nor any particular Member thereof, hath had any hand in theſe Tumultuous and Riotous proceedings, and that they, and every of them do diſavow and diſclaim the ſame.

Thirdly, That it may be likewiſe ſignified, That this Court (as the Repreſentative Body of the whole City) doth promiſe from hence-forth their beſt endeavours to prevent and ſuppreſs in time to come (as far as in them lyeth)

all

Decemb. 1641.

all ſuch, or the like Tumultuous Aſſemblies, and all Mutinous and Rebellious perſons.

And laſtly, That the humble deſire of this Court may be preſented unto his Majeſty, to be graciouſly pleaſed, that all the Delinquents and Cauſers of theſe Tumults, whatſoever they be, being apprehended, may be brought into Examination, and receive condign puniſhment according to the Law.

And theſe four things thus agreed upon were by direction of this Common-Council here openly declared and delivered by the Mouth of Maſter Recorder, unto that Honourable Perſon the Lord *Newburgh* here preſent, with deſire that the ſame ſhould be by his Lordſhip accordingly preſented unto his Majeſty, the which he promiſed to perform with truſt.

And afterwards this Court entred into further conſultation and debate touching the Tumultuous and Riotous Aſſemblies lately ſpread night and day in ſeveral parts of this City, to the great trouble and affrightment of his Majeſties good Subjects, and alſo touching the great neglect of that due reſpect which ought to be given by the Inhabitants of this City, to the ſeveral Precepts lately iſſued out by my Lord Major for a continual Watch and Ward, day and night for prevention and ſuppreſſion of ſuch Tumults and Diſtempers.

And likewiſe touching the great neglect in appearance of the Trained Bands of this City to their Colours at the beat of the Drum, eſpecially in theſe times of danger, in contempt of Authority, being a matter of exceeding great conſequence, and not fit to be ſuffered. And thereupon this Common-Council Taking much to heart, that ſuch diſobedience ſhould grow and be found in the Inhabitants of this City, to the great diſreſpect of Magiſtracy and Contempt of Government; And that ſuch Diſorders and Tumultuary Aſſemblies ſhould be permitted in ſuch a City as this, formerly famous for the good and quiet Government thereof, hath thought it very expedient and behoveful, for redreſs and remedy to be had in theſe abuſes, being not fit to be any longer endured, That every Member of the Common-Council now Aſſembled, ſhall in their ſeveral Precincts ſpread it abroad, and make it known, That if any perſon, or perſons, ſhall from hence-forth neglect his duty and ſervice to be performed, as aforeſaid, and ſhall not do his beſt endeavour to ſuppreſs, or prevent any Tumults, or Riotous Aſſemblies, that ſhall hereafter be attempted within this City, or Liberties thereof, that then he or they offending, ſhall receive condign puniſhment according to his or their demerits.

And it is further thought fit, and ſo agreed by this Common-Council, that my Lord Major may ſend out his Precepts in ſuch manner, and to ſuch purpoſe, as his Lordſhip, and his Brethren the Aldermen, ſhall think fit, for Watch and Ward, raiſing of Arms, or otherwiſe, for the ſafety and preſervation of this City; to which this Court, and all the Members thereof, promiſe all due and cheerful obedience.

And that Poſterity may ſee his Majeſty had great reaſon for what he did, I will preſent the Reader with one of thoſe Sheets then Printed giving an account of the Rudeneſs and Inſolence of the Rabble, from whence thô written as partially as may be, and in favour of them, yet it will be eaſie to obſerve both theirs and the Calumniating temper of the Parliamentarian Scriblers of that Age, who made all men Atheiſts and Papiſts that were not Seditious Rebels. The Paper is in theſe words.

An Act for the Tumult of the Apprentices, *Dec.* 31. 1641.

THE Apprentices waiting there days at the Parliament Houſe, without giving affront or ill Language to any; they did only with a full conſent, Cry down Biſhops and Popiſh Lords.

But coming ſcattering home by ſlender Companies, were ſet upon by divers Caviliers, who did cut many and miſuſed moſt with baſe Language, not only Apprentices but Men of good Rank and Quality (calling them Ram-headed Rogues) to the great diſparaging and diſheartning of them in their Trades and Callings; for by this means many Tradeſmen have ſhut up Shops, and given over their Trades, becauſe they are ſo abuſed: And the adverſe Party, Papiſts and

Decemb. 1641.

and their Adherents, greatly countenanced and incouraged; which makes them ſo bold and inſolent, that they care not what outrages they commit againſt honeſt men of good report, and the Kings loyal and good Subjects, and without ſome ſpeedy redreſs, and ſuppreſſing of them by the good Laws of the Land, againſt ſuch as do ſo inſolently fall upon the Kings Majeſties Subjects without cau[illegible]there is like to be many thouſand lives ſpilt and taken away.

The Apprentices being many of them committed, and the other diſcountenanced, made the Apprentices to ſwell in Blood, to the adventure of the loſs of their lives, met on *Wedneſday* night laſt, to the number of two thouſand with Clubs, Swords, Halberts, and were reſolved to go to the *White-Lyon*; and others cryed out, To my Lord Major's; but by the providence of God, and the grave wiſdom of Captain *Ven*, they were prevented by the grave Speech that followeth.

Gentlemen, Let me intreat you to be at peace and quietneſs, and return every one to his own habitation, and you ſhall find we will be as ready to do any favour for you, and relieve you in any of your juſt Grievances, as you can or ſhall your ſelves, and as you ſhew your willingneſs to us, ſo ſhall we with our lives be willing and ready to help you: therefore pray depart every man to his own home in Peace, that it may not be ſaid of you, they are rude and tumultuous, but that you may ſhew your ſelves to be diſcreet in all your affairs, to the advancing of the Cauſe you have in hand; and refer the Cauſe to us which will be ready to ſupport you to our powers in all that ſhall be juſt. Then ſome cryed out, But what ſhall they do for the Brethren that were Committed by my Lord Major, and at *Weſtminſter*, before they ſhall ſuffer we will ſpend all our lives. The Captain made anſwer, That for thoſe that were Committed at *Weſtminſter*, he and another was appointed by the Houſe to releaſe them all, and we did ſo the ſame night before we came from *Weſtminſter*. And if my Lord Major hath committed any, I will warrant you, if you will be quiet, and take my word, they ſhall be releaſed every one. And as ſoon as I have refreſhed my ſelf, I will go to my Lord Major, and have them diſcharged; but do you by no means go, but return home: So they cryed, Home, Home, Home, with a mighty noiſe. Then the Major part went away, but ſome of them remained there which would not be ſatisfied, but went down to the Counter in *Woodſtreet*, where they were withſtood by the Officers thereto belonging, with Swords and half Pikes, but ſome ruſht in upon them, and got away one of the half Pikes from one of them, and then went up into Cheap-ſide again, but could not reſt ſatisfied, but down they went again, and the door being ſhut againſt them, they brake it, and brake the Windows. After this, the Keeper of the Counter let ſome of them come in, and ſearch for them in every Ward, and queſtioned the Priſoners whether there was any or no, but they found none there, And therefore went away.

There are many Voluntiers agoing out, but it is to be feared, that there are many of them Papiſts, who will be more ready to help the Papiſts againſt the King, then the King againſt the Papiſts. But I hope the Lord will defeat their deſigns, and bring their evil ways upon their own heads, if there be any that ſeeks the diſtruction of the Land.

Ireland is in a very bad eſtate, and in much fear and trouble of the loſs of *Dublin*, but there is yet hopes if there be but preſent help and aid againſt the Rebels, which is the deſire of all true Subjects, the going forward of the happy deſign.

Thus Courteous Reader, you have had the full occurrant of the paſſages, and in what a miſerable eſtate we are brought unto by Papiſts and Atheiſts, who ſwarm like the Frogs of *Egypt* over the whole Land, and not likely to be ſwept away, till the Lord in Mercy to his People, ſweep them into the Red-Sea of their own Blood, into the depth of which the Lord bring all the Enemies of his Goſpel. And ſo I ſalute you with kind farewel.

The Lewdneſs and Licence of the times was certainly great; and among all the Arts, which wrought upon the inferior ſorts of People, none did more miſchief then the Liberty of the Preſs; from whence whole ſwarms of Venomous Pamphlets, Calculated exactly to the low and ſordid Capacities of the Vulgar, flew about the City and Country, and did ſtrangely exaſperate them, eſpecially againſt the Biſhops, and the King for favouring of them. I do not intend to trouble the Reader with many of theſe fooliſh but miſchievous Papers; but I hope I ſhall be pardoned if among ſuch a heap of uſeful Collections, there happen to be gathered a little Chaff; and yet I cannot think even ſome ſuch Papers wholly unuſeful, which will contribute to give the World a true Character of all the little Arts, as well as great ones, of thoſe Men and Times; and to ſhew what an Excellent Talent ſome People, who affected to be thought the trueſt of Proteſtants, the Godly and Well-affected Party, had, in lying and ſlandering; I will therefore preſent the Reader with a choice piece of Poetry made for a New-years-Gift for the Biſhops upon their misfortune of being committed to the Tower: It wears a Title which has been tied to many a lewd Libel, and is Ycleped,

Vox Populi, in plain *Engliſh.*

A Lewd Ballad againſt the Biſhops and Common-Prayer.

I.

In City and Country throughout the whole Land,
The minds of the multitude divers ways ſtand;
There's ſome that endeavour with might and with main,
To ſet the proud Prelates on Horſe-back again;
That they may make Canons and ſend out their Oath,
To ſtabliſh their Power, and diſh out their * Broth.

* So the Sectaries call the Liturgy by way of deriſion.

II.

Of this Rank there's many in every place,
The which were created by little Laud's *Grace;*
Who ſince are grown lofty, and now like to fall,
Which makes them through anguiſh aloud for to call
To Papiſts and Atheiſts, and all ſuch as doth
Love lazy proud Prelates and Luke-warm Broth.

III.

Thoſe Fat-belly'd Prieſts that have Livings great ſtore,
If Biſhops go down, they ſhall never have more;
Their Journey-men Readers likewiſe are afraid,
That they muſt be forc'd to give over their Trade,
And wear Leather Garments inſtead of black Cloth,
Which makes them love Biſhops and Luke-warm Broth.

IV.

And great Men would never be counted ſuch fools,
As to ſend their Children for learning to Schools,
But that they hoped in proceſs of time,
That they to the Throne of a Biſhop might climb;
And there Domineer, which fills them with wroth,
Againſt ſuch as love neither Biſhops nor Broth.

Decemb. 1641.

V.

Another ſort likewiſe muſt not be forgotten,
Who in their main Principles ſeems to be rotten;
Suppoſing that Heaven ſtands open to all,
That tend on their Pray'rs when the Saints Bell doth call;
Where inſtead of ſubſtance there's nothing but froth,
Much like the proud Prelates, ſo is this their Broth.

VI.

All theſe do indeavour as much as they may,
To back the baſe Biſhops from day unto day:
The Papiſts aſſiſt them, and rather then fail,
The Devil will help them, that he may prevail.
It makes for his Kingdom to ſtand for them both,
I mean the proud Prelates and their Common Broth.

VII.

Againſt this rude Regiment there doth appear,
Some Troops of couragious hearts, that will not fear
T' incounter this Rabble, in miſchief profound,
* *Hark how they cry down with them, down to the Ground;*
The Papiſts and Prelates away with them both,
For we will have none of them, nor of their Broth.

* The Streets rung again with theſe Cries.

VIII.

And theſe are no baſe ones as ſome do ſuggeſt,
But of the King's Subjects indeed are the beſt,
Endeavouring the good both of Kingdom and State,
Whatever Baal's *Prieſts, and proud Prelates do prate;*
Who for the love which they bear unto ſloth,
Do labour to hold up their Luke-warm Broth.

IX.

Then let all good People take Courage indeed,
So that they from Anti-Chriſts Yoak may be freed;
And ſeeing that Libertie's gain'd by the Scots,
Let Engliſh-men *ſeek for't, it may be their Lotts:*
Then joyn hands together, and fear not their wrath,
But cry down the Prelates, and ſpew out their Broth.

X.

Their pride and preſumption muſt needs have a fall,
Their wicked devices for Judgment doth call;
Their hatred of Holineſs, and love of Sin,
Will work their deſtruction, which now doth begin:
Their Curbing the Goſpel will kill their own growth,
Go Toll the Bell for them, and eke for their Broth.

Nor were they who pretended to be Poets on the other ſide idle, but pelted them with *Rolands* much like the others *Olivers*; I will give the

January,
1641.

the Reader but Two or Three Stanza's of a Litany, leſt I ſurſeit him of this ſort of Mechanick Wit, which yet wanted not Truth.

From all diſſembling Sep'ratiſts, and thoſe
That ſnuffle their unlearned Zeal in Proſe,
As if the way to Heaven was through the Noſe,
Libera nos, &c.

From thoſe that dare work ill in every Seaſon,
And are ſo far from Sanctity or Reaſon,
They dare believe there's Piety in Treaſon.
Libera nos, &c.

From them which nothing but falſe Rumors Rear,
And likewiſe thoſe which lend ſuch Men an Ear,
Who publiſh for a Truth all which they hear,
Libera nos, &c.

From thoſe indiff'rent Men that know no Guide,
Who are from their Allegiance ſo wide,
That come what will, they'l take the ſtrongeſt ſide,
Libera nos, &c.

But the number of the Malicious and Seditious Pamphlets did far exceed thoſe that had any thing honeſt in them: And how trivial ſoever ſuch things may appear, yet it is incredible what miſchief they do, and what Impreſſions they make upon the credulous Vulgar; and it may be a piece of Policy not misbecoming the wiſeſt States-men, to obviate ſuch Arts, as ſeeming little, yet are of ſuch univerſal dangerous influence upon the lower Ranks of People, whoſe hands act thoſe miſchiefs, which the more cunning heads of the Faction contrive; and I know not any one thing that more hurt the late King then the Paper Bullets of the Preſs; it was the Scandalous and Calumniating Ink of the Faction that from thence blackned him, and repreſented all his Words and Actions to the miſguided People, who would difficultly have been perſwaded to ſuch a horrid Rebellion, if they had not been firſt prepoſſeſſed by the Tongues and the Pens of the Faction, of ſtrange and monſtrous Deſigns, which they ſaid the King and his evil Councellors the Biſhops and Malignants, who were all by theſe Pamphlets ſtiled Papiſts and Atheiſts, had againſt their Lives, Liberties, and Religion.

But I crave the Reader's pardon for this ſeeming digreſſion, and now let us purſue our Voyage through this Tempeſtuous New Year.

The King, that the whole World might ſee how ſollicitous he was in every thing for the deplorable State of *Ireland*, which the Faction were ſo far from relieving in good earneſt, that they were angry at the beating up of Drums for Volunteers for that Service, iſſued out his Royal Proclamation for the ſuppreſſing of thoſe Rebels, as follows.

By the King.

A Proclamation for the ſuppreſſing the Rebellion in *Ireland*, Jan. 1. 1641.

Whereas divers lewd and wicked Perſons, have of late riſen in Rebellion in Our Kingdom of Ireland; ſurprized divers of Our Forts and Caſtles, poſſeſſed themſelves thereof; ſurprized

January, 1641.

ſome of Our Garriſons; poſſeſſed themſelves of ſome of Our Magazins and Munition; diſpoſſeſſed many of Our Good and Loyal Subjects of the Britiſh Nation, and Proteſtants of their Houſes and Lands; robbed and ſpoiled many thouſands of Our good Subjects of the Britiſh Nation, and Proteſtants of their Goods, to great Values; Maſſacred Multitudes of them; impriſoned many others, and ſome who have the Honor to ſerve Us, as privy Counſellors of that Our Kingdom: We therefore having taken, the ſame into Our Royal conſideration, and abhorring the wicked Diſloyalty, and horrible Acts committed by thoſe Perſons, do hereby not only declare Our juſt Indignation thereof, but alſo do declare them, and their Adherents and Abettors, and all thoſe who ſhall hereafter joyn with them, or commit the like Acts, on any of Our good Subjects in that Kingdom, to be Rebels and Traitors againſt Our Royal Perſon, and Enemies to Our Royal Crown of England and Ireland.

And We do hereby ſtrictly Charge and Command all thoſe Perſons who have ſo preſumed to riſe in Arms againſt Us, and Our Royal Authority, which We cannot otherwiſe interpret, then Acts of High Rebellion, and deteſtable Diſloyalty, when therein they ſpoil and deſtroy Our good and loyal Subjects of the Britiſh Nation, and Proteſtants, that they do immediately lay down their Arms, and forbear all further Acts of Hoſtility, wherein if they fail, We do let them know, That We have Authorized Our Juſtices of Ireland, and other Our Chief Governor or Governors, and General, or Lieutenant General of Our Army there, and do hereby accordingly require and authorize them, and every of them, to proſecute the ſaid Rebels and Traitors with Fire and Sword; as Perſons who by their high Diſloyalty againſt Us, their Lawful and undoubted King and Sovereign, have made themſelves unworthy of any Mercy or Favour; wherein Our ſaid Juſtices, or other Chief Governor or Governors, and General or Lieutenant General of Our ſaid Army, ſhall be countenanc'd and ſupported by Us, and by Our powerful Succors of Our good Subjects of England and Scotland, that ſo they may reduce to Obedience, thoſe wicked Diſturbers of that Peace, which by the bleſſing of God, that Kingdom hath ſo long and ſo happily injoyed, under the Government of Our Royal Father and Us, and this Our Royal Pleaſure, We do hereby require Our Juſtices, or other Chief Governor or Governors of that Our Kingdom of Ireland, to cauſe to be publiſh't and Proclaimed in and throughout Our ſaid Kingdom of Ireland.

Given under Our Signet, at Our Palace at *Weſtminſter*, the firſt day of *January* in the Seventeenth Year of Our Reign 1641.

God ſave the King.

Munday, January 3.

The King at his laſt being in *Scotland*, had gained Informations there of the ſecret Intrigues of the Faction, and their Contrivances to promote the Scottiſh Invaſion and Rebellion; and that they were Meditating the ſame Courſe in *England*: And therefore this day the Lord Keeper Signified to the Houſe of Lords, *That he was commanded by the King to let their Lordſhips know, that his Majeſty hath given Mr. Attorney General Command to Acquaint their Lordſhips with ſome Particulars from him.*

Hereupon Mr. Attorney ſtanding at the Clerks Table, ſaid, *That the King had Commanded him to tell their Lordſhips, that divers Great, and*

Treaſonable

January,
1641.

Treaſonable Deſigns and Practices againſt him and the State, have come to his Majeſties knowledge, for which the King hath given him Command in his Name to Accuſe; And did Accuſe ſix Perſons of High Treaſon, and other High Miſdemeanors, by delivery of the Articles in Writing, which he had in his hand, which he received from his Majeſty; and was Commanded to deſire your Lordſhips to have it read: In which Articles the Perſons Names, and the Heads of the Treaſon were contained. Which Articles were Commanded to be read, and were in theſe words:

Articles of High Treaſon, and other High Miſdemeanors againſt
the Lord *Kymbolton*, Mr. *Denzil Hollis*, Sir *Arthur Haſterigg*,
Mr. *John Pym*, Mr. *John Hampden*, and Mr. *Will. Strode*.

Articles of High Treaſon againſt the L. *Kymbolton*, Mr. *Denzil Hollis*, &c.

(I.)

That they have Traiterouſly endeavoured to Subvert the Fundamental Laws and Government of the Kingdom of England, *to deprive the King of his Royal Power, and to place in Subjects an Arbitrary and Tyrannical Power over the Lives, Liberties and Eſtates of his Majeſties Liege People.*

(II.)

That they have Traiterouſly endeavoured, by many Foul Aſperſions, upon his Majeſty and his Government, to Alienate the Affections of his People, and to make his Majeſty odious unto them.

(III.)

That they have endeavoured to draw his Majeſties late Army to diſobedience to his Majeſties Command, and to ſide with them in their Traiterous Deſigns.

(IV.)

That they have Traiterouſly Invited and Encouraged a Forreign Power, to Invade his Majeſties Kingdom of England.

(V.)

That they have Traiterouſly Endeavoured to Subvert the Rights, and very being of Parliaments.

(VI.)

That for the Compleating of their Traiterous Deſigns, they have endeavoured, ſo far as in them lay, by Force and Terror to compel the Parliament to joyn with them in their Traiterous Deſigns; and to that End have Actually Raiſed and Countenanced Tumults againſt the King and Parliament.

(VII.)

And they have Traiterouſly Conſpired to Levy, and actually have Levied War againſt the King.

After which Mr. Attorney declared, *That he was further charged to deſire certain things on his Majeſties behalf.*

(1.) *That a Select Committee of Lords may be appointed to take the Examinations of ſuch Witneſſes as the King will produce in this buſineſs, as formerly hath been done in Caſes of the like Nature, according to the Juſtice of this Houſe; and this Committee to be under a Command of Secreſy as formerly.*

(2.) *And his Majeſty Commanded him to ask Liberty to add and alter, if there ſhould be Cauſe according to Juſtice.*

(3.) *By the like Commandement he deſired, that their Lordſhips would take care for the ſecuring of the Perſons, as in Juſtice there ſhould be Cauſe.*

Hereupon the Lord *Kymbolton* being preſent in the Houſe, offered himſelf to obey whatſoever it ſhould pleaſe this Houſe to Impoſe upon him; and what courſe their Lordſhips would pleaſe to take with him, he would ſubmit thereunto, but as he had a Publick Charge, ſo he deſired he might have a publick Clearing.

Hereupon it was Ordered, *That this buſineſs ſhall be taken into Conſideration by a Committee of the whole Houſe, and to conſider whether this Accuſation of Mr. Attorney General of the Lord* Kymbolton *and others of High Treaſon and High Miſdemeanors, be a Regular proceeding according to Law; and whether there were any ſuch Proceedings ever before in this Houſe; and whether an Accuſation of Treaſon may be brought into this Houſe by the Kings Attorney againſt a Peer of Parliament; and whether any Perſon ought to be Committed to Cuſtody upon a general Accuſation from the King, or the Houſe of Commons, before it be reduced into Particulars.* And theſe Lords following were appointed Committees to peruſe and conſider of Preſidents and Records, concerning the aforeſaid Particulars, and Report the ſame to the Houſe. Lord *Steward*, Lord *Chamberlain*, Earl of *Bath*, Earl of *Southampton*, Earl of *Warwick*, Earl of *Briſtol*, Earl of *Holland*, Mr. Serjeant *Whitfield*, and Mr. Serjeant *Glanvile*, Aſſiſtants, their Lordſhips, or any five of them to meet, and ſearch Records, when and where they pleaſe.

After this a Petition of the twelve Biſhops that are Impeached by the Houſe of Commons of High Treaſon, was read, *Deſiring that they may have Council Aſſigned them by this Houſe, to adviſe them in their defence; and in particular*; They deſired theſe Councellors following.

Counſel Aſſigned for the Biſhops.

Mr. *Lane*, the Princes Attorney, Sir *Thomas Gardner*, Recorder of *London*, Mr. *Herne*, Mr. *Chute*, Mr. *Fountain*, Mr. *Hales*, Mr. *Trevor*, who were thereupon by the Lord Aſſigned to be of Council for the Biſhops.

It was alſo Ordered, *That this Houſe layes no reſtraint upon any Member of this Houſe; but any Peer may go and ſee the Biſhops in the Tower if he pleaſe.*

Then the Houſe Ordered, *That in regard of the many Occaſions at this preſent, the Houſe cannot take the Propoſitions brought laſt from the* Scotch *Commiſſioners, concerning* Ireland, *into ſo ſpeedy Conſideration, as the Neceſſity of the Kingdom requires. That the Lords Commiſſioners do Treat with the* Scotch *Commiſſioners about the ſaid Propoſitions, and bring them to as low Terms and Conditions as they think fit for this Houſe to grant, and to Report the ſame to the Houſe.*

The King in Proſecution of his Impeachment of the aforeſaid Gentlemen of the Houſe of Commons, had Commanded their Chambers, Studies and Trunks to be Searched; and had Iſſued out Warrants for their Apprehenſion, in order to bring them to a Fair and Legal Tryal; but this Procedure did ſo fire and Irritate the Faction, that they fell to Voting and out-cries of the Breach of Priviledge of Parliament, as if thoſe very Walls had been a Protection againſt Treaſon; as indeed they afterwards proved. For it was Immediately Reſolved, &c. *That the ſeveral*

Votes concerning Sealing of Trunks, Doors, *&c.*

ſeveral Parties now Sealing up of the Trunks or Doors, or Seizing the Keyes of Mr. Pym, *Mr.* Hollis, *or any other Members of this Houſe, that the Serjeant ſhall be informed of, ſhall be forthwith Apprehended and brought hither as* Delinquents; *and that the Serjeant ſhall have Power to break open the Doors, and to break the Seales off from the Trunks.*

Reſolved, *&c. That Mr.* Speaker *ſhall Iſſue a Warrant directed to the Serjeant at Armes, attending on this Houſe, to the Effect of the Order aboveſaid.*

Reſolved, *&c. That if any Perſons whatſoever ſhall come to the Lodgings of any Member of this Houſe, and there do offer to Seal the Trunks, Doors, or Papers of any Members of this Houſe; or to Seize upon their Perſons, that then ſuch Members ſhall Require the Aide of the Conſtable, to keep ſuch Perſons in ſafe Cuſtody, till this Houſe do give further Order; and this Houſe doth declare, That if any Perſon whatſoever ſhall offer to Arreſt or Detain the Perſon of any Member of this Houſe, without firſt acquainting this Houſe therewith, and receiving further Order from this Houſe; that it is lawful for ſuch Member, or any Perſon Aſſiſting him, to ſtand upon his and their Guard of Defence, and to make reſiſtance according to the Proteſtation, taken to defend the Priviledge of Parliament.*

Conference about Breach of Priviledge in Sealing Studies, *&c.*

And Mr. *Walter Long* was ſent up with a Meſſage to the Lords for a Conference, by a Committee of both Houſes, touching the Breach of Priviledge of Parliament; which the Lord Keeper Reported as follows.

That the Houſe of Commons apprehended the Parliament to be the great Council, and the Repreſentative Body of the Kingdom, and both Houſes are but one Body of the Realm; the Priviledges are as the Walls and Sinews of the Parliament, which being cut, Deſtruction will ſpeedily follow.

That both Houſes have lately taken a Proteſtation for the Maintainance of their Priviledges, Perſons and Goods, a High Breach whereof is at this Inſtant; for divers Members of the Houſe of Commons have their Perſons Aſſaulted, and laid in wait for, their Chambers, Studies and Trunks have been Ranſacked and Sealed up; as Mr. Hollis, *Mr.* Pym, *and Mr.* Hampden: *Beſides, the Houſe of Commons underſtands, that there are Guards of Souldiers ſet near the Parliament Houſes, as at* White-Hall; *which being done without conſent of the Parliament, they hold it to be a Breach of the Priviledges of Parliament: The Houſe of Commons therefore deſires their Lordſhips would joyn with them, in an Humble Deſire to his Majeſty, that the Guards at* White-Hall *may be removed; and that the Parliament may have ſuch a Guard as ſhall be approved of by the King and both Houſes of Parliament. And alſo the Houſe of Commons deſires their Lordſhips to joyn with them to Vindicate the Breaches of the Priviledges of Parliament; and if a Guard cannot be obtained, then they deſire their Lordſhips to take into Conſideration, to Adjourn to another place, where they may ſit in Security.*

Whereupon, it was Ordered by the Lords, *That all Chambers, Studies and Trunks, that are Sealed up, or Locked belonging to Mr.* Hollis, *Mr.* Pym, *Mr.* Hampden, *or to any Members of Parliament, ſhall be forthwith unſealed and unlocked, and left to their free Vſe and Diſpoſe.*

And it was likewiſe Ordered, *That this Houſe will joyn with the Houſe of Commons, in an humble Petition to his Majeſty, to deſire ſuch a Guard as himſelf and both Houſes of Parliament ſhall approve of; and the ſame* *is to continue ſo long, as the King and both Houſes of Parliament ſhall think fit.* And the Lord *Steward* and the Lord *Chamberlain* were appointed to attend the King from both Houſes of Parliament, with the aforeſaid Order concerning Guards, and humbly to deſire his Anſwer therein.

The King demands the five Members by a Serjeant at Arms.

In the Commons Houſe immediately after this Conference, Mr. *Francis* a Serjeant at Arms ſending in Notice, That he was Commanded to deliver a Meſſage from his Majeſty to Mr. *Speaker*, he was called in to the Bar without his Mace, and there he delivered this Meſſage.

I am Commanded by the Kings Majeſty my Maſter upon my Allegiance, that I ſhould come, and repair to the Houſe of Commons, where Mr. Speaker *is, and there to require of Mr.* Speaker, *five Gentlemen, Members of the Houſe of Commons; And that theſe Gentlemen being delivered, I am commanded to Arreſt them in his Majeſties Name of High Treaſon; Their Names are, Mr.* Hollis, *Sir* Arthur Haſlerigg, *Mr.* Pym, *Mr.* Hampden, *and Mr.* William Strode.

Whereupon, Mr. *Chancellor* of the *Exchequer*, Lord *Falkland*, Sir *Philip Stapelton*, and Sir *John Hotham*, were appointed to attend his Majeſty, and to acquaint his Majeſty, *That this Meſſage from his Majeſty is a matter of great Conſequence, it concerns the Priviledge of Parliament, and therein the Priviledge of all the Commons of* England; *That this Houſe will take it into Conſideration, and will attend his Majeſty with Anſwer in all Humility and Duty, with as much Speed, as the greatneſs of the Buſineſs will permit: And in the mean time, this Houſe will take Care that thoſe Gentlemen mentioned in the Meſſage, ſhall be ready to Anſwer to any Legal Charge laid againſt them.* And Mr. *Speaker* did by Command of the Houſe enjoyn theſe five Members, particularly one by one, to give their attendance on this Houſe, *de die in diem*, till the Houſe take further Order.

But notwithſtanding all their fair words, how much they intended to abide a fair and legal Tryal, a little patience will inform the Reader, for immediately Sir *William Flemming* and another Gentleman, who had in obedience to the Kings Warrant, Sealed up the Studies and Trunks of thoſe five Members, were apprehended by Mr. *Speakers* Warrant, as Delinquents, and ordered to remain in the Serjeants Cuſtody till further Order.

Meſſage about the King, Queen, and Princes Servants taking Oaths of Supremacy, &c.

A Meſſage was alſo this day ſent up to the Lords by Mr. *Strode*, to deſire their Lordſhips, *That whereas upon the Requeſt of the Houſe of Commons their Lordſhips have agreed with the Houſe of Commons, that the Servants belonging to the King, Queen, Prince, or to any of the Kings Children, ſhall according to the Law, take the Oaths of Supremacy and Allegiance; the Houſe of Commons deſire that the Lord* Keeper *may be Ordered to Iſſue forth Writs for that purpoſe, to Perſons of Honour, to ſee it done accordingly.*

Next, that their Lordſhips would joyn with them, to take a Courſe that the Colledge of Cappuchin-Friers *at* Sommerſet-Houſe *may be Diſſolved; And laſtly, That their Lordſhips would move his Majeſty, that the ſeven* Romiſh Prieſts *Condemned in* London, *may be Executed according to the Laws.* To which the Anſwer of the Lords was, *That they will take the firſt part of the Meſſage into Conſideration in convenient time. To the ſecond, Their Lordſhips agree, and will ſend to move the King in it. And that they have already ſent to the King concerning the Execution of the ſeven Prieſts.*

And accordingly the Lord *Steward*, and the Lord *Chamberlain* were appointed to attend the King, and move him from both Houſes of Parliament, *That the Colledge of* Cappuchins *at* Sommerſet-Houſe *may be diſſolved.*

I cannot find the following Speech in the Journal, and by its being addreſſed to Mr. *Speaker*, and not to their Lordſhips, as is uſual in Speeches made in the Lords Houſe, I am apt to ſuſpect, the Publiſher not well verſed in matters of that Nature; and that it may be a Surreptitious Copy. But whether it were Spoken by his Lordſhip or not, it was made Publick and Printed under his Name; and did all the Miſchief a Real Speech could have done, in Exaſperating the Multitude againſt the King, upon this Occaſion; And the Biſhops who were certainly to be loaded with their ſhare of the *Obloquie*, in whatever went croſs to the Faction. The Speech was thus:

A Judicious Speech, made by the Right Honourable the Lord Kymbolton *in Parliament,* Jan. 3. 1641. *Concerning the Articles of High Treaſon, exhibited againſt his Lordſhip, Sir* Arthur Haſlerig, *Mr.* Pym, *Mr. Stroud, Mr.* Hollis, *and Mr.* Hampden, *by His Majeſty.*

The Lord *Kymbolton's* Speech upon his Impeachment, *January* 3. 1641.

Mr. *Speaker*,

THere hath already been ſo much ſpoken by the other Gentlemen, concerning this Accuſation of High Treaſon, even ſufficient, as I conceive, to clear us all that are Impeached, that I know not what to ſay more touching the ſame: Onely under favour give me leave, to ſpeak what I conceive of the cauſe of the procuring of this Accuſation, the Authors that procured it, and of the effects which I perceive will follow upon the ſame.

Mr. Speaker, It is not long ſince this Honourable Houſe accuſed of High Treaſon the Twelve Biſhops, for their Illegal and Trayterous attempt in their *Petition* and *Proteſtation* againſt the King and Parliament. Theſe Gentlemen with my ſelf and others, having the proſecution of that buſineſs, and other Charges of great Crimes againſt them committed to our Truſt, did unanimouſly with one conſent follow the ſame, bringing to a period our Debates and Diſputes concerning their Crimes, what we conceived they were guilty of upon their ſeveral Charges, and what guilty of for framing and preferring their *Petition* and *Proteſtation* to His Majeſty, that they were guilty of Miſpriſion of Treaſon upon their former Accuſations; and guilty of High Treaſon upon this their laſt deſign: And theſe our Votes and Concluſions (grounded and warranted, not only by the Common Laws of this Land, but by divers Acts of Parliament, and Preſidents) we preſented to the whole Houſe for Conſideration and Confirmation of the ſame by general Vote, with whom we again agreed by our publique Votes, and thereupon they were Impeached and Committed; This, I conceive, provoked their malice againſt us, and was the principal cauſe of this their Plot in drawing an Accuſation againſt us for the ſame Crime of Treaſon, thereby to make us ſeem as vile as themſelves, and to take away our Votes at their Tryal. And thus I have joyn'd together both the Cauſe and the Authors of this Accuſation.

The Effects, I conceive, will be dangerous, and cauſe great Trouble in theſe reſpects:

1. In turning the Current of the Parliaments Proceedings againſt them upon us, by which device they ſhall have further time to put in practice their Plots, and bring to perfection their purpoſes againſt the Parliament.

2. That being buſily imployed concerning this buſineſs, in their diſputes about breach of Priviledg of Parliament in illegal accuſing the Members thereof, in drawing a Declaration to his Majeſty concerning the ſame, in appeaſing

January, 1641.

him, by ſhewing the ſincerity and integrity of the Parliament toward his Majeſty, and other things pertinent thereunto, this High Court may lay aſide their Proceeding, and avert their Purpoſes, touching the *Iriſh* Affairs, whereby the Rebellion there may increaſe, and forraign Aid brought to them, to the utter loſing of that Kingdom.

3. Many Fears and Troubles will ariſe in the Citizens concerning this Accuſation, of deſperate and devilliſh Stratagems in agitation, as well againſt them as the Parliament by diſconſolate and diſaffected perſons, to the Safety and Security thereof, cauſing their continual Watching and Guarding by their Trained Bands, which will be to them a great Charge and Moleſtation.

4. It will incourage ill-affected and pernitious Cavaliers, and Commanders about Court, to attempt any miſchief againſt both Houſes of Parliament or particular Members thereof, upon the leaſt opportunity, that ſhall be offered them, thinking thereby they ſhall do the King good ſervice, which otherwiſe they dare not adventure, to put in practiſe.

5. And laſtly, It will provoke and ſtir up a diſlike of theſe deſigns in the Hearts of all his Majeſty's Subjects, and diſaffection to his Sacred Perſon, cauſe great Uproars, and Tumults of the Citizens; yea, and I fear a general Inſurrection in the Kingdom, if not ſuddainly prevented, which God forbid.

And thus, *Maſter Speaker*, having nothing more to ſay concerning theſe Articles, I humbly crave of this Honourable Houſe, That I may have Expedition in my Tryal, upon the ſame; and that all things done by this Wiſe Councel, may tend to the Honour and Glory of Almighty God, the Peace and Safety of His Sacred Majeſty and all his Kingdoms.

Tueſday, Jan. 4th.

A Meſſage was this day brought up from the Houſe of Commons by Sir *John Hotham* to deſire a preſent free Conference, if it may ſtand with their Lordſhips conveniency, by a Committee of both Houſes, touching the ſafety of the King and Kingdom, and the Privileges of both Houſes of Parliament.

The Lord Keeper Reported the effect of the Conference, which was, *To move the Lords again to joyn with them, humbly to move his Majeſty that the Guards at* White-Hall *may be diſcharged, and to vindicate the Priviledges of Parliament; and they do reiterate their deſires of Yeſterday upon theſe Reaſons.*

(1.) *The Houſe of Commons have received freſh Informations, that divers Gentlemen have made their Addreſſes to the Gentlemen of the Inns of Court, and have dealt with them to come Armed to* White-Hall, *when they ſhall be required, yet they have not condeſcended thereto.*

(2.) *The Houſe of Commons have met with a ſcandalous Paper, as was publiſhed abroad, which contained Articles of High Treaſon againſt the Lord* Kymbolton, &c. *The Houſe of Commons deſires their Lordſhips would joyn with them to find out the Authors, and to bring them to condign puniſhment, for ſo high a breach of the Priviledges of Parliament.* But nothing at this time was Reſolved of.

In the Commons Houſe, the Lord *Faulkland* reported the King's Anſwer to the Meſſage of this Houſe delivered to his Majeſty laſt night: *That his Majeſty asked them, whether the Houſe did expect an Anſwer? They replied, they had no more in Commiſſion to ſay, but only to deliver the Meſſage: The King asked them as private Perſons, what they thought of it? They ſaid, they conceived the Houſe did expect an Anſwer; but his Majeſty was informed the Houſe was up, ſo he ſaid he would ſend an Anſwer this Morning, as ſoon as this Houſe was ſet; but in the mean time* *he Commanded them to acquaint the Houſe, that the Serjeant at Arms did nothing but what he had directions from himſelf to do.*

Mr. *Whittaker* Reported from a Committee at *Guild Hall*, *That an Information was Exhibited upon Oath by one* John Bricker, *againſt Mr.* Toby Wood, *for Seditious and Treaſonable Words; whereupon he was committed to* Newgate *by Order of the Committee at* Guild-Hall.

Mr. *Toby Wood* committed to *Newgate*.

Alſo a Vote paſſed, *That Sir* William Killegrew *be forthwith ſent for as a Delinquent, by the Sergeant at Arms attending on the Houſe.*

Sir *Will. Killegrew* a Delinquent.

Then Mr. *Smith*, Mr. *Ellis*, Mr. *Hill*, Mr. *Brown*, and Sir *Richard Vivian*, were appointed to go to the ſeveral Inns of Court, and to acquaint them, *That this Houſe hath taken notice of the Practice of ſome Gentlemen, that have endeavoured to engage the Gentlemen of the Inns of Court to be in readineſs upon all Occaſions, to come down to the Court if they ſhould be required; That this Houſe hath ſent for the Gentlemen that were with them as Delinquents; and do believe that their Crime will prove to be of an high Nature. And further to inform them, That the Parliament is, and will be upon all occaſions as ready to defend his Majeſties Perſon as any others; and they are to inform them, that the Cauſe of ſending to them, is not any diffidence they have in them, but to adviſe them from any Practices that they ſhall be moved unto.*

Meſſage to the Gentlemen of the Inns of Court.

And that upon this occaſion put the whole City into an uproar, It was Ordered, *That Alderman* Soams, *Alderman* Pennington, *and Mr.* Venn *do repair to the Common-Council of the City of* London, *when they are ſitting; and to acquaint them with the Information this Houſe received, what Practices have been uſed to the Inns of Court; and thoſe other Informations of the like Nature that have been given to this Houſe, of the Preparations of Armed Men about* White-Hall; *and thoſe other Preparations at the Tower: And to inform them, in what danger the Parliament, the Kingdom, and the City is in,*

Meſſage to the Common-Council.

It was alſo Ordered, *That Mr.* Whittaker, *Sir* Robert Pye, *and Mr.* Pury *do preſently repair to the Houſe of the Marqueſs* de Neuf-ville, *and ſee if his Houſe be furniſhed with Warlike Ammunition, as the Houſe is informed.*

Memorandum, *Mr.* Hollis, *Mr.* Pym, *Sir* Arthur Haſlerigg, *Mr.* Hampden, *and Mr.* Strode *appeared to day according to the Injunction of the Houſe.*

The 5 Members appearance Entred in the Journal.

And I find among the Prints of that time a Speech of Mr. *Hampden's*, upon the occaſion of his Impeachment, which confirms this *Memorandum*, which was as followeth.

Mr. Speaker,

IT is a true Saying of the Wiſe Man, *That all things happen alike to all Men, as well to the good Man as to the bad*; There is no ſtate or condition whatſoever, either of Proſperity or Adverſity, but all ſorts of Men are ſharers in the ſame; no man can be diſcerned truly by the outward appearance, whether he be a good Subject either to his God, his Prince, or his Country, until he be tryed by the Touchſtone of Loyalty: Give me leave, I beſeech you, to parallel the Lives of either ſort, that we may in ſome meaſure diſcern Truth from Falſhood, and in ſpeaking I ſhall ſimilize their Lives.

Mr. *Hampden's* Speech in Vindication of himſelf againſt his Impeachment, *Jan.* 4. 1641.

(1.) In Religion towards God. (2.) In Loyalty and due Subjection to their Soveraign; in their Affection towards the Safety of their Country.

January, 1641.

(1.) Concerning Religion, the beſt means to diſcern between the True and Falſe Religion, is, by ſearching the Sacred Writings of the Old and New Teſtament; which is of it ſelf pure, indited by the Spirit of God, and written by Holy Men, unſpotted in their Lives and Converſations; and by this Sacred Word may we prove, whether our Religion be of God or no: and by looking in this Glaſs, we may diſcern whether we are in the Right Way or no.

And looking into the ſame, I find that by this Truth of God, that there is but one God, one Chriſt, one Faith, one Religion, which is the Goſpel of Chriſt, and the Doctrine of the Prophets and Apoſtles.

In theſe two Teſtaments is contained all things neceſſary to Salvation; if that our Religion doth hang upon this Doctrine and no other ſecondary Means, then it is true; to which comes neareſt the Proteſtant Religion which we profeſs, as I really and verily believe, and conſequently that Religion which joyneth with this Doctrine of Chriſt and his Apoſtles; the Traditions and Inventions of Men, Prayers to the Virgin *Mary*, Angels, Saints, that are Uſed in the Exerciſe of their Religion, ſtrange and Superſtitious Worſhipping, cringing, bowing, creeping to the Altar, uſing Pictures, Dirges and ſuch like cannot be true, but Erroneous, nay devilliſh; and all this is uſed and maintained in the Church of *Rome*, as neceſſary as the Scripture to Salvation; therefore is a falſe and Erroneous Church, both in Doctrine and Diſcipline, and all other Sects and Schiſms, that leans not only on the Scripture, though never ſo contrary to the Church of *Rome*, is a falſe worſhipping of God, and not the true Religion. And thus much concerning Religion, to diſcern the truth and falſhood thereof.

(2) I come now, *Mr. Speaker*, to the ſecond thing intimated unto you, which was how to diſcern in a ſtate between good Subjects and bad, by their Loyalty and due Subjection to their Lawful Sovereign; in which I ſhall, under favour, obſerve two things.

(1.) Lawful Subjection to a King in his own Perſon, and the Commands, Edicts, and Proclamations of the Prince and his Privy Council.

(2.) Lawful Obedience to the Laws, Statutes and Ordinances made, Enacted by the King and the Lords, with the Free Conſent of his Great Council of State aſſembled in Parliament.

For the Firſt; To deny a willing and dutiful Obedience to a Lawful Soveraign and his Privy Council, (for as *Cambden* truly ſaith, *The Commands of the Lords, Privy Councellors, and the Edicts of the Prince is all one, for they are inſeparable, the one never without the other,*) either to defend his Royal Perſon and Kingdoms againſt the Enemies of the ſame, either publique or private; or to defend the Antient Priviledges and Prerogatives of the King, pertaining and belonging of Right to his Royal Crown, and the maintenance of his Honor and Dignity; or to defend and maintain true Religion Eſtabliſhed in the Land, according to the truth of God, is one ſign of an Evil and Bad Subject.

Secondly, To yield Obedience to the Commands of a King, if againſt the true Religion, againſt the Ancient and Fundamental Laws of the Land, is another ſign of an ill Subject.

Thirdly, To reſiſt the Lawful Power of the King, to raiſe Inſurrection againſt the King, admit him adverſe in his Religion, to Conſpire againſt his Sacred Perſon, or any wayes to Rebel, thô Commanding things againſt our Conſciences in Exerciſing Religion, or againſt the Rights and Priviledges of the Subject, is an abſolute ſign of a Diſaffected and Trayterous Subject.

And now having given the Signs of diſcerning Evil and Diſloyal Subjects, I ſhall only give you in a word or two, the Signs of diſcerning which are Loyal and Good Subjects, only by turning theſe Three Signs already ſhewed, on the contrary ſide.

(1.) He that willingly and chearfully endeavoureth himſelf to obey his Soveraign's Commands for the Defence of his own Perſon and Kingdoms, for the Defence of True Religion, for the Defence of the Laws of his Country, is a Loyal and good Subject.

(2.) To deny Obedience to a King commanding any thing againſt Gods true Worſhip and Religion, againſt the Ancient and Fundamental Laws of the Land, in endeavouring to perform the ſame, is a good Subject.

(3.) Not to reſiſt the Lawful and Royal Power of the King, to raiſe Sedition or Inſurrection againſt his Perſon, or to ſet Diviſion between the King and his good Subjects by Rebellion, although commanding things againſt Conſcience in the Exerciſe of Religion, or againſt the Rights and Priviledges of the Subject, but patiently for the ſame to undergo his Prince's Diſpleaſure, whether it be to his Impriſonment, Confiſcation of Goods, Baniſhment or any other Puniſhment whatſoever without Murmuring, Grudging or Reviling againſt his Soveraign or his Proceedings, but ſubmitting willingly and chearfully himſelf and his Cauſe to Almighty God, is the only ſign of an Obedient and Loyal Subject.

I come now to the Second Means to know the difference between a good Subject and a bad, by their Obedience to the Laws, Statutes and Ordinances made by the King with the whole conſent of his Parliament. And in this I obſerve a twofold Subjection in the particular Members thereof, diſſenting from the General Votes of the whole Parliament. And 2*ly*, the whole ſtate of the Kingdom to a full Parliament.

Firſt I confeſs, If any particular Member of a Parliament, although his Judgment and Vote be contrary, do not willingly ſubmit to the reſt, he is an ill Subject to the King and Country.

Secondly, To reſiſt the Ordinance of the whole State of the Kingdom, either by ſtirring up a diſlike in the Hearts of his Majeſties Subjects of the Proceedings of the Parliament, to endeavour by levying of Arms to compel the King and Parliament to make ſuch Laws as ſeem beſt to them; to deny the Power, Authority, and Priviledges of Parliament; to caſt Aſperſions upon the ſame, and Proceedings, thereby inducing the King to think ill of the ſame, and to be incenſed againſt the ſame; to procure the untimely Diſſolution and Breaking off of the Parliament before all things be ſettled by the ſame, for the Safety and Tranquillity both of King and State, is an apparent ſign of a Trayterous and Diſloyal Subject againſt his King and Country.

And thus having troubled your Patience, in ſhewing the difference between true Proteſtants and falſe, Loyal Subjects and Traytors, in a State or Kingdom, and the means how to diſcern them, I humbly deſire my Actions may be compared with either, both as I am a Subject, Proteſtant, and Native in this Country, and as I am a Member of this preſent and happy Parliament; and as I ſhall be found guilty upon theſe Articles Exhibited againſt my ſelf and the other Gentlemen, either a bad or a good Subject, to my Gracious Soveraign and Native Country, to receive ſuch Sentence upon the ſame, as by this Honourable Houſe ſhall be conceived to agree with Law and Juſtice.

It is prodigious to ſee with what Confidence ſome Perſons durſt appeal to God and Man, and certainly *ex ore tuo*, may moſt truly be applied to this unhappy Gentleman, who by his future Actions upon his own declared Principles, proved himſelf to be that ill and diſloyal Subject, whom he doth here take ſuch Pains to delineate; nor is it leſs remarkable, that as he was one of the firſt, who was in Actual Hoſtility againſt the King, ſo contrary to his own avowed Declaration here, ſo was he one of the firſt, who fell in that unnatural Rebellion, receiving his mortal Wound, in a Skirmiſh near *Chinner* in *Bucks*, upon the ſame Turf, where he had aſſembled the County to frame thoſe Petitions, which firſt led the Nation into Sedition, and afterwards into down right Rebellion: from whence Poſterity may learn, what little Credit is to be given to the deepeſt Proteſtations of Loyalty, and Aſſeverations of Innocence of ſuch Perſons, whoſe Guilt has driven to diſpair of any other Security from the Puniſhment of their ill Actions, but what is to be hoped from doing Worſe; and that the Profeſſions of Loyalty in ſuch Caſes, are but purely to palliate and hide their Guilt from the view of the

World, and to avoid the horrid Imputation of Treaſon, a Crime which becauſe it is naturally deſtructive of humane Society, is univerſally the hatred of Mankind.

Mr. *Brown*, who was one of thoſe ſent to the Gentlemen of the Inns of Court, Reports from the Gentlemen of *Lincolns-Inn*, *That they went to the Court firſt upon a general Report, that his Majeſties Perſon was in danger.*

This Afternoon his Majeſty came in Perſon to the Houſe of Commons, and having Seated himſelf in the Speaker's Chair, he ſpake as followeth.

The King's Speech in the Houſe of Commons concerning the five Members, *Jan.* 4, 1641.

Gentlemen,

I Am ſorry for this occaſion of coming unto you: Yeſterday I ſent a Serjeant at Arms upon a very important occaſion, to apprehend ſome that by My Command were Accuſed of High Treaſon; whereunto I did expect Obedience, and not a Meſſage. And I muſt declare unto you here, That albeit no King that ever was in England *ſhall be more careful of your Priviledges, to maintain them to the utmoſt of His Power, then I ſhall be; yet you muſt know, that in Caſes of Treaſon, no Perſon hath a Priviledge: And therefore I am come to know if any of thoſe Perſons that were Accuſed are here.*

For I muſt tell you, Gentlemen, That ſo long as thoſe Perſons that I have Accuſed (for no ſlight Crime, but for Treaſon) are here, I cannot expect that this Houſe can be in the right way that I do heartily wiſh it: Therefore I am come to tell you, that I muſt have them whereſoever I find them.

Well, ſince I ſee all the Birds are flown, I do expect from you, that you ſhall ſend them unto Me, as ſoon as they return hither. But I aſſure you in the Word of a King, I never did intend any force, but ſhall proceed againſt them in a Legal and fair way, for I never meant any other.

And now ſince I ſee I cannot do what I came for, I think this no unfit occaſion to repeat what I have ſaid formerly, That whatſoever I have done in favour, and to the good of My Subjects, I do mean to maintain it.

I will trouble you no more, but tell you, I do expect, as ſoon as they do come to the Houſe you will ſend them to Me; otherwiſe I muſt take My Own courſe to find them.

So ſoon as his Majeſty was gone, the Faction in the Houſe was all in a flame; and after the heats were a little over, it was Reſolved upon the Queſtion, *That this Houſe ſhall Adjourn it ſelf till to morrow at One of the Clock.*

There was not any one Action of which the Faction made greater advantage, then this of his Majeſties coming to the Houſe in Perſon to demand the five Members; the Faction blew the whole Nation into a blaze, with their Out-cries upon it, and it did not eſcape odd Interpretations, even from thoſe who profeſſed themſelves his Friends. It is but juſt therefore that we ſhould hear his Juſtification, which I cannot give the Reader better then from his own Incomparable Pen. Which therefore take as follows.

January,
1641.

*Εἰκὼν Βασιλικὴ, upon his Majeſties going to the H. of Commons, to demand the five Members.

“ MY going to the Houſe of Commons to demand Juſtice upon
“ the five Members, was an Act which my Enemies loaded with
“ all the Obloquies and Exaſperations they could ; it filled indifferent
“ Men with Jealouſies and Fears ; yea, and many of my Friends reſented
“ it, as a Motion riſing rather from Paſſion then Reaſon, and not
“ guided with ſuch diſcretion as the touchineſs of thoſe times required :
“ But theſe Men knew not the juſt Motives and pregnant Grounds,
“ with which I thought my ſelf ſo furniſhed, that there needed nothing
“ to ſuch Evidence as I could have produced againſt thoſe I charged,
“ ſave only a free and Legal Tryal, which was all I deſired.

“ Nor had I any Temptation of diſpleaſure or revenge againſt thoſe
“ Mens perſons, further then I had diſcovered thoſe, as I thought, unlawful
“ Correſpondencies, they had uſed, and ingagements they had
“ made, to embroil my Kingdoms : of all which, I miſſed but little to
“ have produced Writings under ſome Mens own hands, who were
“ the chief Contrivers of the following Innovations : Providence would
“ not have it ſo ; yet I wanted not ſuch Probabilities as were ſufficient
“ to raiſe Jealouſies in any King's heart, who is not wholly ſtupid,
“ and neglective of the Publick Peace, which to preſerve by calling half
“ a Dozen Men in a fair and Legal way, which God knows was all My
“ deſign, could have amounted to no worſe Effect, had it ſucceeded,
“ then either to do Me and My Kingdom Right, in caſe they had been
“ found Guilty, or elſe to have cleared their Innocency, and removed My
“ Suſpicions, which as they were not raiſed out of any Malice, ſo neither
“ were they in reaſon to be ſmothered.

“ What flames of Diſcontent this ſpark, though I ſought by all ſpeedy
“ and poſſible means to quench it, ſoon kindled, all the World is Witneſs ;
“ the Aſperſions which ſome Men caſt upon that Action, as if I
“ had deſigned by force to aſſault the Houſe of Commons, and invade
“ their Priviledge, is ſo falſe, that as God beſt knows, I had no ſuch
“ intent ; ſo none that attended Me, could juſtly gather from any
“ thing I then ſaid or did, the leaſt intimation of any ſuch thoughts.

“ That I went attended with ſome Gentlemen, as it was no unwonted
“ thing for the Majeſty and Safety of a King, ſo to be attended,
“ eſpecially in diſcontented times ; ſo were my followers at that time
“ ſhort of My ordinary Guard, and no way proportionable to hazard a
“ Tumultuary conflict : Nor were they more ſcared at my coming,
“ then I was unaſſured of not having ſome affronts caſt upon Me, if
“ I had none with Me to preſerve a Reverence to Me : For many People
“ had (at that time) learn'd to think thoſe hard thoughts, which
“ they have ſince abundantly vented againſt Me, both by Words and
“ Deeds.

“ The Sum of that buſineſs was this ; Thoſe Men and their adherents,
“ were then looked upon by the affrighted Vulgar, as greater
“ Protectors of their Laws and Liberties then My Self, and ſo worthier
“ of their Protection : I leave them to God and their own Conſciences,
“ who if guilty of evil Machinations, no preſent Impunity, or Popular
“ Vindication of them, will be Subterfuge ſufficient to reſcue them
“ from thoſe Exact Tribunals ; to which, in the obſtructions of Juſtice
“ among Men, we muſt Religiouſly appeal, as being an Argument to
“ us Chriſtians, of that after unavoidable Judgment, which ſhall rejudge
“ what among Men is but corruptly decided, or not at all.

“ I endeavoured to have prevented, if God had ſeen fit, thoſe future “ Commotions which I foreſaw, would in all likelihood follow ſome “ Mens activity, if not reſtrained, and ſo now hath done, to the undoing of ſo many thouſands, the more is the Pity: But to over-aw the freedom of the Houſes, or to weaken their juſt Authority, “ by any violent impreſſions upon them, was not at all My Deſign; “ I thought I had ſo much Juſtice and Reaſon on My ſide, as ſhould “ not have needed ſo rough aſſiſtance; and I was reſolved rather to “ bear the Repulſe with Patience, then to uſe ſuch hazardous Extremities. So far the Royal Martyr.

This day in the Forenoon, as I have it in one of the printed Diurnals, which I give in the Writers own Words, his Majeſty went to the *Guild-Hall* attended with divers of the Nobility, and there demanded likewiſe his Priſoners, giving order for their Apprehenſions; and then went to Dinner at one of the Sheriffs, where he was Royally Feaſted, and towards the Evening he was attended by the Lord Mayor and Aldermen, as far as Temple-Bar homewards; who returning, were ſet upon by ſome rude Perſons, my Lord Mayor being pluckt off his Horſe, and ſome of the Aldermen; and forced to go home on foot, having other abuſes offered them. This is related by one of the permitted Writers of thoſe times, from whence it is plain how governable a ſort of People theſe pretended Zealots were, and are, for ſuch they were who were the Authors of all theſe diſorders, Presbyterians, Independants, Anabaptiſts, and the other Anomalous Schiſmaticks, who put this affront upon the Magiſtracy of the City, purely out of their ſpightful Zeal, for their paying this reſpectful Duty to His Majeſty.

Wedneſday, January 5. Meſſage to the Lords concerning the King's coming to the Houſe.

A Meſſage was this Day brought from the Houſe of Commons by Mr. *Nathaniel Fienes*.

(1.) *To acquaint their Lordſhips, That yeſterday the King did come to the Door of the Houſe of Commons, with armed Men, and came into their Houſe in Perſon, when the Houſe ſat, and demanded ſome of their Members, which they conceive is a high and great Breach of the Priviledges of Parliament, therefore they thought it fit to give their Lordſhips notice of it, as a Breach of Priviledg, for it may concern this Houſe likewiſe.*

(2.) *The Houſe of Commons renew their former deſire to their Lordſhips to jyn with them to Petition his Majeſty, that the Parliament may have a Guard, for to ſecure them, as ſhall be approved of by the King and both Houſes of Parliament.*

(3.) *The Houſe do let their Lordſhips know, That they have appointed a Committee to ſit at* Guild-Hall *in* London, *and have alſo appointed the Committee for* Iriſh *Affairs to meet there.*

Hereupon, It was Ordered, *That the Lords Committees for the* Iriſh *Affairs, ſhall meet in this Houſe, when the Houſe riſes, and ſhall have Power to adjourn themſelves from time to time, and from Place to Place as they ſhall ſee Cauſe.*

The Biſhops who were ordered to put in their Anſwer unto their Impeachment upon the 7*th* of *January*, were this Day ordered to put in their ſaid Anſwer upon *Wedneſday* the Twelfth of *January*, and not before.

After which the Houſe was Adjourned till the Eleventh of *January*.

In the Commons Houſe, It was Ordered, *That the Doors be locked, and the Key brought up, and the outward Rooms cleared of all Perſons, but Servants to Members of the Houſe ; and that no Member do offer to go out without leave : and alſo, that ſome Members do ſend forth their Servan's, to ſee what Numbers of People are repairing towards* Weſtminſter, *and to bring notice to this Houſe.*

Then Mr. *Glyn.* Sir *Philip Stapleton*, Mr. *Whitlock*, Sir *Henry Vane*, ju. Mr. *Grimſton*, Sir *John Hotham*, Serjeant *Wild*, Mr. *Fiennes*, Mr. *Bellaſis* and Sir *Walther Earl*, were appointed as a Committee preſently to retire into the Committee Chamber, and to conſider of ſome Way for vindicating the Priviledges of Parliament, and for providing for the Safety of both Kingdoms, and preſent it to the Houſe with all ſpeed.

The Queſtion was then put, *Whether a Committee ſhall be named by this Houſe to ſit in* Guild-Hall *in* London, the Houſe was divided.

Mr. *Herbert Price*, } Tellers for the *No* { 86.
Mr. *Kirton.*

Mr. *Cary*, } Tellers for the *Yea* { 170.
Mr. *Arthur Goodwinn.*

Whereupon, It was Reſolved, &c. *That a Committee ſhall be named by this Houſe to ſit at* Guild-Hall, *and all that ſhall come to have Voices at this Committee.*

That this Committee ſhall have Power to direct and appoint ſuch Monies to be paid, as ſhall be neceſſary for the Troops at Cheſter.

That the Committee for Munſter *ſhall have power to ſit when they will, and to put in Execution all ſuch Propoſitions, as are already agreed upon by both Houſes of Parliament.*

A Paper concerning his Majeſties coming to the Houſe of Commons in vindication of Priviledges & their adjournment to *Guill-Hall London.*

Then this following Paper drawn by the forementioned Committee was read, and afterwards Voted.

Whereas his Majeſty in his Royal Perſon, Yeſterday being the 4th *of* Jan. 1641. *did come to the Houſe of Commons, with a great multitude of Men, Armed in a War-like Manner, with Halberds, Swords and Piſtols, who came up to the very Door of this Houſe, and placed themſelves there, and in other Places and Paſſages near to the Houſe, to the great Terror and Diſturbance of the Members then thereof ſitting, and according to their Duty, in a peaceable and orderly Manner, treating of the great Affairs of both Kingdoms of* England *and* Ireland ; *and his Majeſty having placed himſelf in the Speaker's Chair, did demand the Perſons of divers Members of that Houſe to be delivered unto him.*

It is this Day declared by the Houſe of Commons, *That the ſame is a high Breach of the Rights and Priviledges of Parliament, and inconſiſtent with the Liberty and Freedom thereof; And therefore the Houſe doth conceive, they cannot with Safety of their own Perſons, or the Indemnities of the Rights and Priviledges of Parliament, ſit here any longer, without a full Vindication of ſo high a Breach of Priviledge, and a ſufficient Guard, wherein they may conſide, for which, both Houſes joyntly, and this Houſe by it ſelf, have been humble Suitors to his Majeſty, and cannot as yet obtain.*

Notwithſtanding which, this Houſe being very ſenſible of the great Truſt repoſed in them ; Eſpecially at this time of the manifold * Diſtractions of this Kingdom, and the lamentable and diſtreſſed Condition of the Kingdom of *Ireland*, doth Order, *That the Houſe ſhall be adjourned until* Tueſday *next, at One of the Clock in the Afternoon, and that a Com-*

* Which they had occaſioned.

mittee to be named by this Houſe, and all that will come to have Voices, ſhall ſit at Guild-Hall *in the City of* London *to morrow Morning at* 9 *of the Clock, and ſhall have Power to conſider and reſolve of all things, that may concern the Good and Safety of the City and Kingdom, and particularly how our Priviledges may be vindicated, and our Perſons ſecured; and to conſider of the Affairs and Relief of* Ireland, *and ſhall have Power to adviſe and conſult with any Perſon or Perſons, touching the Premiſſes, and ſhall have Power to ſend for Parties, Papers and Records.*

And it is further Ordered, *That the Committee for* Iriſh *Affairs, ſhall meet at the* Guild-Hall *aforeſaid, at what time they ſhall think fit, and conſult and do, touching the Affairs of* Ireland, *according to the Power formerly given them by this Houſe.*

And that both of the ſaid Committees, ſhall report the Reſults of their Conſiderations and Reſolutions to the Houſe.

The Committee appointed to ſit at *Guild-Hall*.

Then it was reſolved upon the Queſtion, *That it ſhall be thus Ordered.*

Mr. *Chancellor* of the Exchequer,
Mr. *Glyn,*
Mr. *Whitlock,*
L. *Falkland,*
Sir *Philip Stapleton,*
Mr. *Fiennes,*
Sir *Ralph Hopton,*
Sir *John Hotham,*
Sir *Walter Earl,*
Sir *Robert Cooke,*
Sir *Thomas Waſlingham,*
Sir *Samuel Rolls,*
Mr. *Pierrpoint,*
Mr. *Walther Long,*
Sir *Richard Cave,*
Sir *Edward Hungerford,*
Mr. *Grimſton,*
Sir *Chriſtopher Wray,*
Sir *Benjamin Rudiard,*
Sir *John Hippeſley,*
Mr. *Herbert Price,*
Sir *John Wray,*
Sir *Thomas Barrington,*
Mr. *Wheeler,*
Sir *William Litton.*

And this Committee are appointed by the former Order, and are to purſue the Directions of the former Order, and all that will come, are to have Voices at this Committee.

Orders concerning *Ireland*, to exhauſt the King's Stores.

Theſe Reſolutions following, being the Sum of what was agreed upon by the Committee of both Houſes, for *Iriſh* Affairs, were this Day preſented to the Houſe and read, and by Vote upon the Queſtion ordered accordingly:

That the Arms and Ammunition of all Sorts, with the Ordnance at Carliſle *be ſent into* Ireland *to* Carrickfergus *for Supply of thoſe Parts of the* North *of* Ireland, *and the Arms to be Ordered, as my Lord Lieutenant ſhall direct.*

That for a further Supply of thoſe Parts, and for the Arming of thoſe two Regiments under the Lord Conway *and Sir* John Clotworthy, *that there be ſent from the Tower* 1000 *Muskets, with Bullet and Match proportionable,* 1500 *Swords,* 10 *Laſt of Powder; theſe Arms and Ammunition to be ſent thither, and ordered and diſpoſed of, as the Lord Lieutenant thinks fit.*

That 10 *Laſt of Powder, with Bullets and Match proportionable, be ſent from the Tower, to* Munſter, *to be delivered to the Lord Preſident of* Munſter, *or whom the Lord Lieutenant thinks fit.*

That 2000 l. *be Ordered to be delivered to Sir* William Brereton *upon Account, for Payment of the* 300 *Horſe now at* Cheſter, *and for their tranſportation, out of the Subſidies or Poll-Money.*

That 3000 l. *be aſſigned to be received in* Cheſhire *or* Wales, *out of the*

Subſidy

January,
1641.

Subſidy or Poll-Money, by the Victualler, for the preſent Relief of Dublin *and* Drogheda.

That 2000 l. *be delivered to the Victualler of* Carrickfergus, *who is ready to ſet on the Work here; having a Ship at his Charges in the River.*

The Commons had as a Committe ſate at *Guild-Hall* in the Morning, where it ſeems there were great Debates concerning the Breach of Priviledges; upon which Subject, I find in the Prints of thoſe times ſome Speeches, enumerating ſome of the Priviledges of Parliament, at leaſt then reputed ſo, which whether they remain ſo ſtill, I leave to the deciſion of thoſe, who are concerned, The Speeches were as follows:

Mr. *Grimſton*'s Speech at the Committee ſitting at *Guild-Hall Jan.* 5. concerning Breach of Priviledges, *&c.*

Mr. Speaker,

THere are no Courts of Judicature in this Kingdom of *England*, but they have ſeveral Rights and Priviledges appertaining and belonging unto them; and have ſuch Power and Authority in the ſeveral Juriſdictions of the ſame Offices, that they may call to an account; proſecute and bring to Judgment the Infringers and Breakers of the ſame.

Of all theſe Courts, there is none, yea put them all together, they are not of ſuch Power and Juriſdiction, but inferior and ſubject to the Ordinances and Statutes of the High Court of Parliament.

Mr. Speaker, of ſuch awful predominancy is the very Name of a Parliament to this Nation, that it ſtrikes with Terror and Deſpair all ſuch Evil Doers, as are Male-factors in the State; On the contrary ſide, it cheriſhes and comforts the drooping ſpirits of men groaning under the Burden of Tyrannical Oppreſſion inflicted on them unjuſtly and maliciouſly, by Unmerciful and Wicked Men, that have Uſurped unto themſelves Places and Offices of Power and Authority both in Church and State.

Mr. Speaker, This Great and high court, is not only the Powerfulleſt of all other Courts whatſoever, but the Prudenteſt and Wiſeſt, made and compacted, not only of Men ſound in Religion, well Learned, but Ripe in their Judgments contracted from all Parts of this Kingdom, Elected & Choſen with the free conſent of the whole body Politique of the Kingdom; this great and high Council is not only of ſuch Power and Wiſdom, but indued and attended with the moſt and greateſt Priviledges thereof, that not only the meaneſt of his Majeſties Subjects, but the greateſt Perſonages of the Kingdom, are in danger, if infringers of the ſame, to be called in Queſtion, and by them puniſhed; therefore give me leave *Mr. Speaker*, to ſpeak ſomewhat of the Priviledges in this particular incident, and appertaining to this Wiſe Senate, and in ſpeaking thereof I ſhall obſerve theſe three particulars.

(1.) *The Rights and Priviledges belonging to the ſame, in the free Votes and Judicature thereof.*

(2.) *The Rights and Priviledges belonging to the Power and Juriſdiction thereof.*

(3.) *The Rights and Priviledges, in the Continuances thereof, being freely called and aſſembled by his Majeſties Authority not to be diſſolved or broken off till all things agitated therein for the good both of Church and Common-Wealth be fully concluded and determined.*

Firſt, *Mr. Speaker*, concerning the Priviledges of a Parliament, belonging to the free Votes and Judicature thereof, I ſhall obſerve theſe three particulars.

Firſt, To ſpeak freely without Interruption or Contradiction in any Debate, Diſpute or Argument, upn any buſineſs agitated in the ſame, being a Member thereof, I conceive to be one Priviledge of a Parliament.

Secondly, Not to be queſtioned, or any ſuch free Diſpute, Argument or Debate to be taxed, or accuſed for the ſame, either during the free ſitting thereof or after, is another Priviledge of Parliament.

Thirdly, Freely to give Vote, Judgment or Sentence, upon the Reading of

January, 1641.

any Bill to be made a Law, or any Bill either of attainder, or other Charge againſt Delinquents and Criminous Perſons againſt the State, at their Tryal upon the ſame is a third Priviledge of Parliament.

Fourthly, To defend and Maintain the Free Vote, Judgments and Sentences of the whole Houſe, by Proteſtation, Remonſtrance or other Declaration, if not conſented unto, or oppoſed by the Houſe of Lords, is a Fourth Priviledge.

Fifthly, For any Member of the Houſe, not to be accuſed of any Crime, or Impeached for Treaſon by any Perſon whatſoever, during the continuance of the Parliament, for things done in the ſame, without Legal Accuſation, and Proſecution of any ſuch Member by the whole Houſe, is another Priviledge of Parliament.

Sixthly, Not to be apprehended upon ſuch Impeachment, or arreſted by any Officer, or to have ſtudies broken open, their Books and Writings ſeized upon without conſent or Warrant of the whole Parliament is another Priviledge of the ſame, and thus much, *Mr. Speaker*, ſhall ſuffice to be ſpoken concerning the Priviledges and Rights of Parliament pertinent to the Subjects of which I am to ſpeak.

I come now to the Second thing I propoſed to your Audience, which was the Rights and Priviledges belonging to the Power and Juriſdiction of the Parliament, in which I ſhall obſerve theſe particulars.

Firſt, to conſult, and conſider of what Laws are fit to be made and Enacted in this Kingdom for the good Government thereof, is one Priviledge belonging to the Power and Juriſdiction of this High Court.

Secondly, to Juſtifie, or abrogate, repeal, make Void, to ratifie and Confirm, Eſtabliſh and Maintain Laws, Statutes, and Ordinances, made and Enacted by precedent Parliaments, by Councils of State, or other Courts of Judicature, is a ſecond Priviledge pertaining to the Power and Juriſdiction of the Parliament.

Thirdly. To give Subſidies, to raiſe Taxes, to impoſe Loans and other charges upon the Subject, is another Priviledge belonging to the Power & Juriſdiction of the Parliament.

Fourthly to Accuſe or Impeach any Incendiaries or Delinquents in this Kingdom of any Crime notorious, tending to the prejudice of his Majeſtie, or any of his Loyal Subjects, whether it be for Treaſon or other wayes, be they Members of the Parliament or no, is another Priviledge belonging to the Power and Juriſdiction of the Parliament.

Fifthly and laſtly. To proſecute and bring to Judgment ſuch Perſons ſo Accuſed or Impeached for any Crime whatſoever, is another Priviledge belonging to the Power and Juriſdiction of this Court. And thus much of the Rights and Priviledges belonging to the Power and Juriſdiction of a Parliament.

And now, *Mr. Speaker*, I come to the laſt thing I Mentioned to you, concerning the Priviledges belonging to the Continuance and Free ſitting till all things be concluded of for the Good Government of Church and State, in which I ſhall alſo obſerve theſe particulars.

Firſt, that for a Parliament when Freely called and Aſſembled, by Royal Authority, not to be to debate, or argue any one particular buſineſs appointed by any perſon whatſoever, is one Priviledge belonging to the Continuance of a Parliament.

Secondly, Not to break off, or diſſolve a free Parliament, until all the Grievances and oppreſſion of all his Majeſties Loyal Subjects be fully redreſſed and Remedied, is a Second Priviledge belonging to the continuance of Parliament.

Thirdly, Not to break off, or diſſolve a Parliament, till all Incendiaries and Delinquents in the State be brought to condigne puniſhment for their Crimes.

Fourthly and laſtly, To Accuſe or Impeach any Member of the Parliament thereby to hinder and interrupt the Legal Proceedings thereof, in the Weighty Affairs of the Common-Wealth, is another Priviledge belonging to the Continuance of a Parliament.

And thus having briefly declared to you, the Power and Juriſdiction of a Parliament, above all other Courts of Judicature in this Land; the Wiſdom and Policy of a Parliament above all other Councils; the Rights and Priviledges of a Parliament in reſpect of the free Votes and Judicature thereof; the Power and Juriſdiction thereof; and the free continuance thereof, I humbly leave to the Conſideration of this Houſe, whether the accuſation of theſe Gentlemen accuſed by his Majeſty, and the illegall breaking open upon this their Accuſation, of thir Chambers, Truncks and ſtudies, be not a breach of ſome of the Priviledges of Parliament which I have Mentioned unto you.

I have nothing to ſay againſt the Real Priviledges of the High Court of Parliament, but certainly that of a Parliaments ſitting, till all pretended Grievances are Redreſſed, which is tantamount to ſitting perpetually ſince there will be alwayes ſuch Pretences, is ſo far from being a Real Privilege of Parliament, that among all the Rolls and Records of our Parliaments, there cannot be found one ſingle Inſtance of any Parliament, that pretended or laid Claim to ſuch a Privilege. And there cannot be a more demonſtrative Agreement againſt this, then the very Act which this Parliament obtained from the King, that they ſhould not be diſſolved, or prorogued by the King, without their own Conſent: which was a plain Confeſſion, that till his Majeſty had in this Particular, by giving the Royal Aſſent to that fatal Bill, limited the undoubted Power of his Prerogative, it was an inherent Right annexed to the Imperial Crown of this Realm, that the King was the ſole Judg of the Calling, Continuance and Diſſolution of Parliaments. And though ſome Seditious Pens, and particularly the Apoſtate Author of the Liſe of *Julian* the Apoſtate, have taken great Pains, to revive and furbiſh up this Opinion, and to reflect upon his preſent Majeſty, as the Rebels of this Parliament did upon his Royal Father, for breaking up of ſome Mutinous and Troubleſome Parliaments in the beginning of his Reign; which plainly ſhews them to be of the Temper of the ill Men of thoſe ill times, yet I think they ought to ſtay, before they Preach this Doctrine to the People, for a true Privilege of Parliament, till they have got ſuch another Act of Perpetuation in one Hand, and a Sword to maintain it in the other, which is the only Argument, that at long run ſuch Seditious People muſt have Recourſe to; and I hope it may be ſome time before ſuch another Act will be obtained, and longer before they can get the Power of the Sword to maintain it.

And certainly were there no other Inconveniences, yet the diſmal Effects, which the continuance of this Parliament brought upon the King and Kingdom, to the intire Ruin of the Government, Laws, Liberty and Property of the *Engliſh* Nation, are ſufficient, to give all Loyal and Honeſt Subjects very terrible Apprehenſions, not only of the thing it ſelf, but that the Perſons who revive and propagate ſuch Opinions, muſt have Deſigns, to compaſs and effect the ſame Miſchiefs over again, which like an Inundation, drowned the Kingdom in Blood, by the Breach of this Bank of Royal Prerogative, of the Kings being the ſole Judg of the continuance and diſſolving of Parliaments.

Mr. *Glyn*'s Speech upon this Subject was as followeth.

Mr. Glyn's Speech about Breach of Priviledges, *Jan.* 5. 1641.

Mr. Speaker,

WE ſit now upon that grand buſineſs of the Breaches of the Rights and Priviledges of Parliaments, which are ſo many and great; ſo carefully preſerved and defended; and having in former times ſeverely puniſhed the infringers thereof; that I had thought and conceived that no Subject, of

January,
1641.

of what degree or dignity ſoever, would either in their own perſons, or by miſ-informing his Majeſty concerning the ſame, would have preſumed to have intrenched in the leaſt meaſure, upon the free Liberty, Rights, and very Beings of Parliaments, or tending to the Breach thereof. But, Mr. Speaker, I perceive the perverſeneſs of divers perſons in places of Authority, that they dare not only preſume to provoke his Majeſty by their politick miſ-informations, but dare attempt of themſelves to reſiſt the lawful power both of the King, and his high Court of Parliament.

Mr. Speaker, Theſe Men notwithſtanding they apparently perceive, that their wicked practices and malicious deſigns, cannot take effect according to their expectation, but are rejected and detected as well by his Sacred Majeſty as his Lords, and his whole Council, dare venture to endeavour, by caſting aſperſions, and ſpreading abroad evil reports; not only of the Members, but of the Proceedings of the Houſe of Commons, againſt them and others of their Adherents, and Favourits in their wicked and deſperate Actions and Deſigns, againſt their lawful Soveraign, and his Liege People.

I conceive, Mr. Speaker, did theſe perſons but remember the many Preſidents, yet extant of the juſt and deſerved puniſhments, inflicted by former Parliaments, upon ſuch Miſcreants, as witneſs the Arch-Biſhop of *York*, the Duke of *Suffolk*, Chief Juſtice *Belknap*, and the reſt of that Conſpiracy, in the Reign of King *Edward* the Second, they would have prejudged to themſelves the like danger would follow upon them, for their evil Actions.

Nay, Mr. Speaker, did theſe men but conſider with themſelves, the juſt judgments of God, that have immediately lighted upon the necks of ſuch as have been the troublers of Kingdoms and Common-wealth, whereof they have been Members, as well recorded in Sacred Writ, as of late times in this Kingdom, yet ſtill in freſh Memory, they would have laid their hands upon their Mouths and hearts when they went about to ſpeak or do any thing, tending to the diſhonour of Almighty God, in innovating of his true Religion, corrupting the ſincere Doctrine and diſcipline of Chriſt and his Apoſtles; as alſo any thing tending to the diſhonour and perpetual deſtruction of his Royal Majeſty, (however otherwiſe they may pretend, the Fundamental Laws and Liberties of this Kingdom, the Rights and Priviledges of Parliaments, and the very being thereof) but ſurely, Mr. Speaker, they are altogether benummed and ſtupified, their Conſciences dead and ſeared, their Lives and Converſations altogether devoted to the works of darkneſs and impurity; their deſires altogether ſenſual, carnal, and deviliſh, forgetting God, kicking and ſpurring with maliciouſneſs, againſt all Piety and Godlineſs, or elſe they would never have adventured to practice ſuch things, as it is too too manifeſt they have done.

Mr. Speaker, I intend to be brief in that which I am to ſpeak, concerning the Breaches of the Priviledges of Parliament.

Firſt, To inform his Majeſty of any Proceedings in the Houſe of Commons, upon any buſineſſes whatſoever before they have concluded, finiſhed, and made ready the ſame to preſent to his Majeſty, for his Royal Aſſent thereunto, is a Breach of the Priviledges of Parliament. Secondly, To miſ-inform his Majeſty, contrary to the Proceedings in Parliament, thereby to incenſe and provoke him againſt the ſame, is a Breach of Priviledge of Parliament. Thirdly, To cauſe or procure any Information or Accuſation to be brought or preferred, without the knowledge or conſent of the Parliament, into the Houſe againſt any of the Members thereof, is a Breach of Priviledge of Parliament. Fourthly, To apprehend any ſuch Accuſed, to impriſon their perſons, to ſeize upon their Goods or Eſtates, to proſecute and proceed againſt them, to their Tryal and Judgment, to Condemn or Execute them upon ſuch Accuſation, without the conſent or advice of the Parliament, is a Breach of the Priviledges thereof. Fifthly, To endeavour to caſt an evil opinion of ſuch Members Accuſed, into the hearts of his Majeſties Loyal Subjects, whereby they diſaffecting them, may be ready and willing to put in execution, any Command or Warrant for their apprehenſion and impriſonment, is a Breach of the Priviledges of Parliament. Sixthly, To come in open Parliament for any Officer or Serjeant, to demand and arreſt any ſuch Member accuſed, be it of high Treaſon or any other Crime whatſoever, without the knowledge of the whole Houſe, is a Breach of the Priviledges of

January, 1641.

of Parliament. Seventhly, to come to a Parliament ſitting in free conſultation, aſſiſted and guarded with Armed Men, and with them be ſitting the Houſe to demand as it were, *Vi & armis*, ſuch Members accuſed, is a breach of Priviledges of Parliament.

Laſtly, to procure to be ſet forth, or to ſet forth, under his Majeſties name, any Proclamation or Declaration, prohibiting the repair of ſuch perſons accuſed to the Parliament as Members thereof, and to apprehend them in what place ſoever they ſhall be found, without the advice and conſent of the whole State aſſembled, and ſitting in free Parliament, is a manifeſt Breach of the Priviledges thereof. And this, Mr. Speaker, is all that I have to ſay, concerning this days buſineſſes, humbly leaving the ſame, to the conſideration of this Honourable Aſſembly.

Nothing now was to be ſeen but Noiſe and Tumult in the City of *London*, nor to be heard but Breaches of Priviledge, and the Plots and Deſigns againſt the Parliament: Inſomuch, that the King ſeeing it was abſolutely impoſſible to have any Juſtice done him againſt theſe Accuſed Perſons, who were ſo ſurely intrenched in the Popular favour, that they were out of the reach of the Law; and finding alſo, that he was in perpetual danger of having his Perſon as well as Authority Expoſed, to the daring affronts of the furious and incenſed Rabble, who ran up and down in Multitudes, as if they had loſt their Wits as well as Loyalty: And therefore hoping that time having allayed their firſt fury, they might be brought to Reaſon and Temper, by his withdrawing himſelf, and declining the further proſecution of theſe Favourites of the Faction; his Majeſty with the whole Court left *White-Hall*, and retired firſt to *Hampton-Court*, and then to *Windſor*.

But it was ſo far from working thoſe Effects, that theſe low and degenerate Spirits, who are always given to inſult, where they find a yielding to their fury, attributing the King's departure to his fear, and not to his diſcretion, they Triumphed as if they had already gained a Victory: And, the declining of his further Proſecution of the Accuſation, was urged as an invincible Argument of the Innocency of the Perſons accuſed, and the defect of ſufficient Teſtimony to make good the Charge; when as in reality, though the King had, as doubtleſs he had, and the World might have ſeen it, if all his moſt ſecret Papers had not with his Cabinet fallen at *Naſeby* into thoſe hands, who knew how to ſtifle whatever might diſcover their Deſigns: I ſay, though the King had never ſo clear Evidence to make out his Charge againſt them, yet at that time to have produced them, muſt have been only, to have offered ſo many innocent Sacrifices, as he had Witneſſes, to the fury of Popular Rage and Madneſs; and it is eaſie to conceive from the treatment of the Attorney General, and the other Officers, who acted by the King's immediate Warrant, what juſtice his Majeſty was to expect from the Parliament, who were to be Judges of the Guilt, or Innocence of thoſe Men, to whoſe Deſigns, and the Crimes of which they were accuſed, the leading Men of the Faction in both Houſes were themſelves Parties.

And now in this Interval of the Adjournment of the Parliament, the Faction having notably beſtirred themſelves both in the City and Country, the accuſed Members, were, with an infinite Multitude of the Rabble in and about the City and Suburbs, together with a ſtrong Guard of Citizens, who carried the Proteſtation tied to the tops of their Pikes; and ſeveral Troops of Volunteers, who inſtead of Feathers wore the Proteſtation in their Hatts, conducted by Land and by Water, with a thouſand wild Acclamations, and reſeated in the Houſes of Parliament at *Weſtminſter*.

And that Poſterity may ſee how, and by what Arts, the Vulgar were managed, I will here inſert one Sheet, Title and all of thoſe Pamphlets, which were balled about the Streets, and poſted down into the Country as a true Account of this Affair. It runs thus.

A true Relation, of the unparalell'd Breach of Parliament by His Majeſty, on Tueſday *the* 4th *of* January 1641, *being inſtigated thereunto by unadviſed Councels, under pretence of a Legal proceeding.*

Together with a Relation of the Hoſtile Intention upon the Houſe of Commons, by Capain Hyde, *and thoſe other Caviliers and Soldiers, that accompanied his Majeſty in a Warlike manner, armed with Swords, Piſtols and Dragoons.*

And alſo a Relation of the free and voluntary Offers of the Trained Bands of the City of London; *of the Maſters of Ships, Marriners and Seamen; of the Apprentices of* London; *of the Trained Bands of* Southwark, *and of the Water-Men upon the* Thames, *to defend the King and Parliament, againſt Malignant Councels aud Plots of Papiſts.*

Likewiſe how certain Multitudes of Country-Men came to preſent their humble Petitions to the Parliament.

A lewd Pamphlet of the King's going to the Houſe of Commons, &c. *Jan.* 4. 1641.

ON *Munday* the third of this inſtant Month of *January*, his Majeſty by Warrant under his own hand, authorized Serjeant *Frances*, Serjeant at Arms, to come to the Houſe of Commons, and there to demand Mr. *Denzil Hollis*, Sir *Arthur Haſlerigg*, Mr. *Pym*, Mr. *Hampden* and Mr. *Strowd*, whom in his Majeſties Name, he accuſed of High Treaſon.

The Houſe of Commons returned this Anſwer, That not only thoſe five Gentlemen, but alſo every one of them would lay down their Lives and Fortunes at his Majeſtie's Feet, ſo he would be but pleaſed to accuſe them in a legal way, and make known the Cauſe of their Accuſation.

The next Day being *Tueſday*, his Majeſty (unexpectedly) came to the Houſe of Commons attended with a multitude of Perſons Armed as aforeſaid, and there in the *Speaker*'s Chair, demanded theſe five Perſons, ſaying, *He expected yeſterday Obedience, and not an Anſwer.* When his *Majeſty* a long time together had caſt his Eyes round about the Houſe, and could not diſcern any of theſe Five Members there, he was pleaſed to command Mr. *Speaker* to tell him if they were there; the *Speaker* falling upon his Knees, humbly beſeeching his *Majeſty* to excuſe him, for he was Servant to the Houſe of Commons, and could neither ſee nor ſpeak without their leave.

His Majeſty diſcerning they were not in the Houſe, graciouſly departed; but the bloody-minded Souldiers, ſome of whom ſtood near the Door of the Houſe of Commons, with their Piſtols ready cock't, and their Swords erected in their hands, expecting when the Word ſhould have been given with fearful Oaths expreſſed themſelves, *That they loſt that they came for, the perſons were not there.* They miſt the opportunity of cutting their Throats, and the Throats of all thoſe Parliament-Men of the Houſe of Commons that would not have ſuffered theſe Five Perſons to have been taken out of the Houſe, his Majeſties own Servants carrying themſelves Civilly, and indeed ignorant of the Trayterous Deſign.

As ſoon as theſe Damme Blades about the number of 400 were gone, the Houſe of Commons, full of grief of Heart to ſee the Priviledges of Parliament thus broken, adjourned in great diſcontent till *Wedneſday* the 5th of *January*, at Two of the Clock, at which time they met, and concluded of an Order to Adjourn the Houſe till *Tueſday* the 11th of *January*, 1641. And in the mean time, appointed a *Committee* of the Houſe of Commons to Sit in *London*, to conſider of the Safety of the King, Kingdom and Parliament, and of repairing of the Priviledges of Parliament ſo highly broken.

Which

January,
1641.

Which Meeting hath produced ſeveral Orders and Decalrations for maintaining the Priviledges of Parliament, which are to be reported to the Houſe, and there to have its force.

But for the Safety of the Kingdom and City, which they conceived to be in Imminent danger; the *Committee* for *Iriſh* Affairs of the Houſe of Commons propounded the conſideration thereof to the *Committee* of the Lords Houſe for *Iriſh* Affairs, who ſate likewiſe in *London*, who in regard the King had denyed both Houſes a Guard to protect them; and in regard ſuch an Hoſtile Plot was intended, as was apparently proved, declared their Opinion, *That whereas the King and Parliament was in ſo great danger; that in that Caſe the Sheriffs of* London *and* Middleſex *ought to come with the* Poſſe Comitatus *to the Parliament, to defend the King and Parliament.* To which Opinion the *Committee* of the Houſe of Commons aſſented, which was communicated to the Lord Mayor, Aldermen and Common Council of *London*, and they delivered their Opinions herein, and expreſſed their forwardneſs hereunto.

This Breach of Priviledg of Parliament begot much diſcontent in the Parliament and People; and the more, in regard by ſpecial Command, the Articles againſt Maſter *Pym*, and the reſt were Printed, and the ſame publiſhed by Sir *William Killegrew* and Sir *William Flemyn*, and delivered in his *Majeſties* Name (as they falſely pretended) to the Four Inns of Court, to the end to make theſe perſons the more odious to them and the Kingdom: And in regard the conſequence of admitting this Accuſation in this manner againſt theſe five perſons, is a preſident to take away the whole Houſe of Commons at a breath, under pretence of High Treaſon, if (as God forbid) an Accuſation of this Nature ſhould be hereafter; and conſidering that to this very day, (11 *Januar.* 1641.) no Articles of Impeachment is come into the Houſe of Commons by the King's Attorney or otherwiſe, or from the Lords Houſe, (if any be there againſt them) till which time that it come from thence by Meſſengers of their own (if there firſt depending) the Houſe cannot legally take notice thereof: This, and many other Reaſons, made the Houſe of Commons to inſiſt upon it, beſides the great merit of theſe perſons, whom (as the Houſe hath declared) though as dear as their Lives unto them, they will deliver over unto a Tryal, ſo as his Majeſty will proceed againſt them in a Legal way, either at the *Kings-Bench*, or in Parliament, and produce any Subject in *England* that will ſtand to make good the Accuſation; and in caſe they fail to make it good, that his *Majeſty* will let them be forth-coming, and alſo to diſcover thoſe Wicked Counſels that have adviſed him to this courſe, that they may be brought to condigne puniſhment.

The City and People in the adjacent Parts are ſo much moved in this buſineſs, and fearing ſome ſuddain Execution may be done upon the *Parliament* (both the Houſe of Peers, and Houſe of Commons, and the Lords of the Privy Council, having declared that this Act of his *Majeſties* without their Advice, and againſt the Priviledges of *Parliqment*) That they yeſterday declared, That Eight Companies of the Trayned Bands, with 8. Pieces of Ordnance, and divers Horſemen mounted, ſhall Guard the *Committees* of the Houſe of Peers, and Commons, from Grocers-Hall in *London* to *Weſtminſter*; And the Sea Captains, Maſters of Ships, and Marriners, with ſmall Barges, and Long-Boats ſufficiently Mann'd and Armed with Murderers, Rablets, Faulchion and Minion, with Muſquet and Half-Pikes, to the number of 2000 perſons have engaged themſelves to Guard the *Parliament* by Water. The Trayned Bands in *Southwark* have offered themſelves to ſecure all the other ſide of the Water, and the Apprentices tendred their Services to attend the *Parliament* to the number of Ten Thouſand with Warlike Weapons, but thoſe the *Parliament* enjoyned to ſtay at home. And laſtly, the Watermen tendred their Barges for more Safety to carry the Parliament-men by Water: All which, to the great admiration of all the Beholders, put in Execution this day. And that which is moſt conſiderable, 4000 Horſemen are come to the Houſe of Commons this day, except ſome of them which lay at *Uxbridge* and places thereabouts, with a Petition in the Name of the whole County of *Buckingham*, That Mr. *Hampden* their Knight of the Shire may receive his Tryal, and not lie under the name of High Treaſon, and cannot obtain a Legal way of Tryal; and that if he acquit himſelf, (as no good men make doubt of) Juſtice in a high meaſure may be done upon the falſe informers

January, 1641.

of his *Majeſty*, how near or how great ſoever; They being confident that it is but deſign of the Popiſh Party, to put an interruption in the Proceedings of Parliament, that no Relief may be ſent to *Ireland*, but that more Proteſtant Blood may be ſhed there, and that all *Acts* made this Parliament, may be avoided under pretence of no Free Parliament: And laſtly, to force a Breach of this Parliament, by an untimely Adjournment, or fayl of meeting through fear of danger.

By this it will be eaſy to obſerve, how the People were deluded and inflamed into thoſe Heats and Commotions, which caſt this Nation ſo dear, and by what wayes the popular Poiſon and and Contagion ſpread it ſelf far and wyde, ſo as to become almoſt an Epidemical Diſeaſe throughout the Kingdom; and will plainly demonſtrate how dangerous a Tool the Preſs is, when the Hand of Faction.

And now let us take a view of their Actions, and how they demeaned themſelves, having got the Biſhops cooped into the Tower, and the King out of the Town, and themſelves triumphantly replaced at *Weſtminſter*.

Tueſday, Jan. 11.

The Lord Lieutenant of *Ireland* Reported, *That the Lords Committees for the* Iriſh *Affairs, have met in* London, *with the Committee of the Houſe of Commons, and have agreed upon ſome Reſolutions, concerning the Affairs of* Ireland.

(1.) *That* 2500 l. *out of the Loan Money, be forthwith delivered to Sir* Job Harvey, *and Sir* John Nulls, *who have undertaken to return it to* Cheſter, *for the Paying and Tranſporting the* 300. *Men, now there, to* Dublin.

(2.) *That* 3000 l. *more be paid to them, they having undertaken to give Credit to Mr.* Walter Froſt, *Commiſſary for the Victuals.*

The Committee of the Houſe of Commons told the Lords Committees, likewiſe, *That they were now at the bottom of their Purſes, and for-as-much as the neceſſity of providing Money, and of the Supply for the preſent relief of* Ireland, *requireth the Conſideration of both Houſes of Parliament; and for-as-much as they cannot ſit in ſafety without ſtrong and ſufficient Guards, from the City of* London, *and adjacent Parts; they deſire the Lords Committees to join with them, to conſider of a Way for Securing of both Houſes by Guards as aforeſaid, that they may come, and return, and remain in ſafety.*

Hereupon the Lords Committees have Voted, *That it is fit and neceſſary that there ſhould be ſtrong and ſufficient Guards from the City of* London, *and adjacent Parts, for the ſecuring of both Houſes, that they may ſit in ſafety.*

Secondly, Their Lordſhips have Voted, *That it is a legal way for the Houſes to require the Sheriffs of* Middleſex *and* London, *to attend for that purpoſe, with the* Poſſe Comitatus, *and that they will Report theſe Votes to the Houſe of Commons accordingly.*

And the Lords Committees meeting with the Committee of the Houſe of Commons, the 10*th.* of this inſtant *January*, were of Opinion, *That Guards are neceſſary to be placed, before the Committee for* Iriſh *Affairs do ſit at* Weſtminſter; *and for the manner of ordering of the Guards, they referred it to the Common-Council of the City of* London: *And their Lordſhips, will Report to the Houſe of Lords, That the placing of thoſe Guards for the ſafety of the* Iriſh *Committee is in their Opinion, an acceptable ſervice to the Common-wealth.*

Which Report being made, it was confirmed by the Houſe, and the ſeveral Votes approved, and Ordered accordingly.

Then the Lord *Steward* Reported the Kings Anſwer touching the deſire of both Houſes, concerning Guards, which Anſwer was read, in theſe words:

January, 1641.

We having conſidered the Petition of both Houſes of Parliament concerning a Guard, do give this Anſwer, That We will (to ſecure their Fears) Command the Lord Mayor of London, *to appoint* 200. *Men out of the Train'd Bands of the City (ſuch as he will be anſwerable for, to Us) to wait on the Houſe of Parliament, that is to ſay, one hundred on Each Houſe, and to be Commanded by the Earl of* Lindſey, *it being moſt proper to him, as being* Lord Great Chamberlain, *who by his Place, hath a particular Charge of the Houſes of Parliament, and of whoſe Integrity, Courage and Sufficiency none can doubt.*

The Kings anſwer concerning Guards.

But the Faction of the Commons were reſolved to have no Guard of the Kings, but one of their own appointment, for upon a Vote of the Commons to this purpoſe, it was Ordered, *That the Sheriffs of* London *and* Middleſex, *be hereby required to ſend two Companies of the Train'd Bands of the City of* London *and County of* Middleſex, *under the Conduct of Serjeant Major* Skippon, *to attend both Houſes of Parliament, every day for ſecurity of the Parliament, until both Houſes do give order to the Contrary.*

Order for a Guard of the Train'd Bands to be Commanded by Major *Skippon.*

Directed to the Sheriff of the City of *London* and *Middleſex.*

A Meſſage was brought up by Sir *Philip Stapelton,* who brought up a Bill which had paſſed the Houſe of Commons, Intituled, *An Act declaring, That the Lords and Commons may Adjourn themſelves reſpectively to any Place.*

(2.) *To let their Lordſhips know, that the Houſe of Commons are informed, that there is at* Hull *a Magazin of Arms of the Kings, for* 16000. *Men and proportionable Ammunition; But in regard no great ſtrength is in the* Town, *and that the Countrey about is full of* Papiſts *ill affected; The Houſe of Commons deſires their Lordſhips to joyn with them, that ſome Companies of the Train'd Bands, next adjoyning to* Hull, *be forthwith put into that Town, for the Safeguard of that Town and the Magazin there, and the ſaid Train'd Bands to be under the Command of Sir* John Hotham *Knight, who hath the Command of that Town already by Patent from the King.*

Whereupon, it was Ordered, *That ſome of the Train'd Bands of* Yorkſhire *neareſt to* Hull *in the ſaid County, under the Command of Sir* John Hotham *Knight, ſhall with all ſpeed be put into the Town of* Hull, *for the ſecuring of the Kings Magazin there, and the ſaid Town; and hereof the ſaid Sir* John Hotham *is, by Virtue of this Order, Commanded to perform accordingly. And the ſaid Sir* John Hotham *is to Command the Town and Forces therein; and all Parties whom it concerns ſhall give their Obedience unto the ſaid Sir* John Hotham, *and his Miniſters. And laſtly, That Sir* John Hotham, *or whoever he ſhall appoint under him, ſhall not deliver up the Town of* Hull, *or Magazin there, or any part thereof, without the Kings Authority Signified unto him, by the Lords and Commons Aſſembled in Parliament.*

Order for Sir *John Hotham* to keep the Town of *Hull.*

Directed, to Sir *John Hotham* the Elder.

The Vizor now began to drop off apace, for the plain *Engliſh* of this and the former Order for a Guard, was that the King was only to have the Name, but the two Houſes were to have the Subſtance of the Roy-at Authority. And certainly no men ever moved by more Regular Steps towards Rebellion; they had pretty well Exhauſted his Majeſties Stores for the Service of *Ireland*, and now they were reſolved to Secure the Reſt; The *Tower* of *London* hung ſtill mightily in their Light; and though the King had Diſplaced *Lunsford*, yet Sir *John Byron* the preſent Lieutenant, who was a Perſon of great Loyalty, Courage and Gallantry, was by no means agreeable to their Liking or Deſigns, and therefore the next attempt was to get quit of him, and a Confiding man, a Creature of the Faction, placed in that Important Command, as we ſhall preſently ſee.

An Act for the Lords and Commons to adjourn themſelves to any place, paſſed the Lords.

Then the Act, declaring that the Lords and Commons may Adjourn themſelves reſpectively to any Place, was read twice, and after a ſhort debate, a third time, and upon the Queſtion, it was conſented to, to paſs as a Law.

From whence it is obſervable, that even this Parliament who had gotten an Act, that they ſhould not be Prorogued or Diſſolved without their own Conſent, yet did not think they had Power without the Royall Aſſent to an Act of Parliament, to Adjourn themſelves to any other Place from *Weſtminſter*, whither they were by Writ Summoned to Aſſemble and Sit; and which likewiſe is a Conceſſion, that it was ſo ſolely in his Majeſties Power, though not to Diſſolve them, yet to have Adjourned them to ſome other Place, leſs Factious and Troubleſom then at that time *London* was.

A Petition was preſented this day to the Lords from the Inhabitants of *Bucks*, as follows:

To the Right Honourable the Houſe of Peers now Aſſembled in PARLIAMENT.

The humble Petition of the Inhabitants of the County of *Bucks*.

***Bucks* Petition to the Lords, *Jan.* 11. 1641.**

SHEWETH,

That whereas we hoped upon the happy Aſſembling of this preſent Parliament, we ſhould have had a ſpeedy Redreſs of thoſe Preſſures we have for many Years been under, but have been hitherto in great Meaſure Fruſtrated of your hopes, by the ſtrong Counter-working of a Malignant Faction, whereby the perfecting of Reformation is hindred, the endeavours of the Houſe of Commons, in great part Succeſleſs; our dangers grown upon us, by iterated Plots; Prieſts and other Delinquents unpuniſhed, to the Encouragement of others; Ireland *loſt by protracted Councels, while thouſands are there Butchered by many Cruelties; and to cut off all hopes of future Reformation, the very being of our Parliaments endangered, by deſperate and unexampled breach of Priviledges, which by our Proteſtation lately taken, we are bound with our Lives and Eſtates to maintain: And in reſpect of that late attempt upon the Honourable Houſe of Commons, we are now come to offer our ſervice to that end, and reſolved in their juſt defence to live and die.*

And therefore humbly Pray, that this moſt Honourable Houſe will Cooperate, with the Houſe of Commons, in moſt Speedy perfecting the moſt neceſſary work of Reformation; bringing to condign and Exemplary Puniſhment, both wicked Councellors and evil Plotters and Delinquents; that *Ireland* may have ſpeedy relief; the Priviledges

January, 1641.

ledges of Parliament fortified againſt all future Attempts; and the whole Kingdom put into ſure and preſent Poſture of Defence, that we may live both Safe, from all Practices of the Malignant Party at home, and the endeavours of any ill affected States abroad,

And Your Petitioners ſhall ever Pray, &c.

The Petitioners were called in again, and told, *That this Houſe takes well their coming hither with their Petition, and their Care of the Priviledges of Parliament, and the Kingdom of* Ireland, *for which this Houſe gives them thanks, and their Lordſhips will take their Petition into conſideration.*

The Lord Keeper acquainted the Houſe, *that he had received a Command from his Majeſty to attend him at* Windſor, *he received the permiſſion of the Houſe to do it, and was ordered to acquaint his Majeſty with the Order concerning* Hull; *and likewiſe to move his Majeſty from both Houſes, for his Royal Aſſent to three Bills which have paſſed both Houſes, one for Preſſing of Marriners, another concerning Redeeming of Captives at* Algiers, *and the third concerning the Power of both Houſes to Adjourn the Parliament.*

Lord *Kymbolton* moves to be Tryed.

The Lord *Kymbolton* moved, *That if the Houſe thought the Proceedings againſt him Legal, that Mr.* Attorney *might be Commanded to Proſecute the Accuſation againſt him, for that if Mr.* Attorney *be ready to make good the Charge againſt him, he is ready to anſwer it, and that he deſired no further time.* His own Innocency making him thus Confident, as he ſaid, though it is ſhrewdly to be ſuſpected he had other Motives and Reaſons, drawn from the Power and Prevalency of the *Faction*, which gave him this aſſurance.

However Mr. *Attorney* was ſent for, who informed the Houſe, *That what he had done was by the Expreſs Command of the King his Maſter, and not done by his Advice; that he had attended the King to receive his Majeſties further directions therein, who told him, when he went out of Town, he would leave ſomething with the Lord* Keeper, *to acquaint this Houſe further with concerning this Buſineſs: And that he had attended the Lord* Keeper *to know whether the King had left any directions with him, who told him, he had received none from his Majeſty, but that he was Commanded to attend his Majeſty Speedily.*

Hereupon the Lord *Kymbolton* deſired the Houſe, *That ſome ſpeedy Courſe may be taken, that his Life, Eſtate, and Honour may be Secured.*

Meſſage concerning the Tower to remove Sir *John Byron.*

A Meſſage was brought from the Houſe of Commons, by Sir *Henry Vane, Junior*, to let their Lordſhips know, *That in regard of the great Jealouſies and Diſtractions of the City of* London, *by Sir* John Byron's *being Lieutenant of the* Tower *of* London, *as appears by the Citizens ſhutting up their Shops, and giving over Trade; and in regard of the good Affections Expreſſed this day to the Parliament, the Houſe of Commons deſires their Lordſhips to joyn with them to Petition the King, that Sir* John Byron *may be forthwith removed from being Lieutenant of the* Tower, *and that Sir* John Conyers *may be recommended to his Majeſty for that Place.*

Lords Diſſent.

After much Debate of this Meſſage, it was put to the Queſtion, and it was Reſolved, &c. *That this Houſe thinks it not fit to joyn with the*

Houſe

January, 1641.

Houſe of Commons in an humble Petition to his Majeſty, for removing of Sir John Byron *Knt. from being Lieutenant of the* Tower, *and placing of Sir* John Conyers *there.*

Biſhops to put in Anſwer.

The Biſhops were alſo ordered to put in their Anſwers to the Commons Impeachment of High Treaſon, on *Friday* next.

The Lord *Chamberlain* then acquainted the Houſe, *That the King hath ſent Command to his Lordſhip and the Earl of* Holland, *to attend his Majeſty at* Hampton-Court; *but before they went, they deſired to know the pleaſure of this Houſe, being bound by their Writs to attend the buſineſs of the Kingdom.*

Lords ſent for by the King not permitted to go by the Houſe.

Whereupon the Houſe Commanded the Lord *Chamberlain*, and the Earl of *Holland* to attend this Houſe, and would not diſpenſe with their Abſence, in regard of the many great and urgent Buſineſſes depending in this Houſe.

It was the ſtrangeſt fortune in the World certainly, that theſe Men of the Faction had, that when ever they ſtood in need of a Plot to countenance their deſigns, and to ſtir up the People to Sedition, ſome kind Perſon or other, was ſure to furniſh them with one or more as there was occaſion; for this day in the very Critical Juncture of time, a Letter was produced in the Houſe of Commons and there read, and immediately Communicated to the Houſe of Lords. The Letter were as follows:

To the Worſhipful and my much honour'd Friend *Orlando Bridgman* Eſq; a Burgeſs of the Parliament, at his Chamber in the *Inner Temple*, theſe preſent.

Two Letters of a ſtrange Plot, ſtrangely diſcovered to the Commons.

SIR,

W*E are your Friends; theſe are to adviſe you, to look to your ſelf, and to adviſe others of my Lord of* Strafford's *Friends to take heed, leſt they be included in the common Calamity: Our advice is to be gone, to pretend buſineſs, till the great bubbub be paſt; withdraw, leſt you ſuffer with the Puritans: We intreat you to ſend away the incloſed Letter to Mr.* Anderton, *incloſed to ſome Truſty Friend, that it may be carried ſafely without ſuſpicion, for it concerns the common ſafety. So deſire your Friends in* Covent-Garden.

January 4th.

The incloſed was directed, To the Worſhipful, and my much Honour'd Friend Mr. *Anderton*, theſe.

SIR,

A*Lthough many Deſigns have been defeated, yet that of* Ireland *holds well, and now our laſt Plot works as happily as that of* Ireland. *We muſt bear with ſomething in the main, His Will is ſtrong enough, as long as he is fed with Hopes; the Woman is true to us, and real, her Council about her is very good, I doubt not but to ſend you by the next, very joyful News: For the preſent our Arch-Enemies,* Pym, Hampden, Strode, Hollis *and* Haſlerigg *are blemiſhed, charged for no leſs then Treaſon; before I write next doubt not but to have them in the Tower, or their Heads from their Shoulders: The Sollicitor and* Fiennes, *and* Earl, *we muſt ſerve with the ſame Sauce: And in the Houſe of Lords, the Lord* Mandeville

January,
1641.

Mandeville *is touched, but* Eſſex, Warwick, Say, Brooke, *and* Paget *muſt follow, or elſe we ſhall not be quiet:* Falkland *and* Culpeper *are made Friends to our ſide, at leaſt-wiſe they will do us no hurt. The Proteſtants and Puritans are ſo divided, that we need not fear them; the Proteſtants in great part will join with us, or ſtand Neuters, while the Puritan is ſuppreſſed; if we can bring them under, the Proteſtants will either fall in with us generally, or elſe if they do not, they are ſo indifferent, that either by fair or foul means, we ſhall be able to command them. The miſchievous* Londoners, *and the Apprentices may do us ſome hurt for the preſent, but we need not much fear them; they do nothing Orderly but Tumultuouſly, therefore we doubt not much, but to have them under Command after one brunt; for our Party is ſtrong in the City, eſpecially* Holbourn *in the new Buildings and* Weſtminſter. *We are afraid of nothing but the* Scots *appearing again, but we have made a Party there, at the King's laſt being there, which will hold their hands behind them, while we Act our part at home.* Let us acquit our ſelves like Men, for our Religion and Country, Now or Never. *The King's heart is Proteſtant, but our Friends can perſwade him, and make him believe any thing; He hates the Puritan Party, and is made irreconcilable to that ſide; ſo that the Sun, the Moon, and the Seven Stars are for us:* * *There are no leſs then* 20000 *Miniſters in* England, *the greater half will in their places be our Friends, to avenge the Biſhops diſhonour; let our Friends be incouraged, the work is more then half done.*

† The very ſtile of a Canting Puritan, as no doubt he was that forged this Letter.

* A notorious untruth in fact as to matter of Number.

Your Servant, *R. E.*

I cannot tell whether it will not appear equally ridiculous as the Letters themſelves, to indeavour to manifeſt, that this Letter with the incloſed, were mere Fictions, ſince it ſeems they thought little better of them themſelves; for when theſe Letters were ſent up to the Lords by Sir *John Hotham*, he delivered the Meſſage in theſe words, *That he was ſent to inform their Lordſhips of two Letters, one ſent to Mr.* Orlando Bridgman, *a Member of the Houſe of Commons, another written to one Mr.* Anderton, *which they offer to their Lordſhips, to make uſe of them as they think fit*; which kind of ſlight recommendation, their Lordſhips it ſeems underſtood ſo well, that they were only read and laid by, without further notice taken of them. But there was a further uſe for them, for theſe Letters quickly got into Print, and contributed not a little by thoſe curſed Reflexions, with which they were ſtuffed, to blacken the Reputation of the King and Queen, and confirm the Credulous Multitude in the belief of a great and horrid Plot of the Papiſts and Epiſcopal Proteſtants againſt the Parliament, which was a point abſolutely neceſſary to be gained by the Faction, in order to what was now too apparent to all Honeſt and Loyal Men, the carrying on a Plot of the Puritans, as they were then called, by Rebellion to accompliſh the work of Reformation.

But to put the matter out of diſpute, having occaſion to ſearch among the old muſty Papers of that time, in the Clerk of the Parliaments Office, I found theſe very Original Letters, and being ſtrongly poſſeſſed in my imagination, that by comparing of hands, there being ſomething very particular in the hand that writ thoſe Letters, I ſhould find out the cheat; I found ſeveral Letters written by Sir *Anthony Welden*, with the very exact and diſtinguiſhing ſtroaks and cutting of the Letters, ſo like that written to Mr. *Bridgman*, that I do not in the leaſt doubt, but whoever was the Contriver, Sir *Anthony* was the Amanuenſis; and indeed it ſuits well enough with ſuch a Kitchin-ſtuff Courtier as he afterwards proved, both by his Actions, and the Infamous Libel written by him called *The Court of King* James. The Papers are in my poſſeſſion if any Perſons doubts ſhall tempt them to diſbelieve my poſitive Opinion in this matter.

The Commons, that they might Rivet themſelves into the hearts of the Seditious Rabble, who had conducted them and the five Members to *Weſtminſter*, reſolved not only to thank them, but to indemniſie them too for this Riotous and Tumultuary procedure: And therefore firſt divers Sea Captains, Maſters of Ships, and Marriners were called in, to whom Mr. Speaker delivered this by the Command of the Houſe.

Thanks to the Sea Captains, *&c.*

(1.) *That the Houſe did take ſpecial notice of the performance of this Service of theirs, to this Houſe, and to the Common-wealth, and gave them thanks for it, and deſired them to Communicate the ſame to the reſt of the Sea-men and Marriners.*

(2.) *For the Petition which they delivered to the Committee of this Houſe the other day in* London, *that this Houſe will take it into ſpeedy Conſideration, as alſo any other deſire of theirs, that they ſhall make to this Houſe.*

Thanks to the Trained Bands of *Weſtminſter.*

Then divers of the Trained Bands of *Weſtminſter* were called in, whoſe Petition being read, and Ordered to be Entred, Mr. Speaker acquainted them as followeth, *That this Houſe hath taken notice of the Expreſſion of a great deal of Affection in their Petition unto this Houſe, and have Commanded him to give them thanks for it; and that this Houſe had never any cauſe to be Jealous of them, and ſhall make uſe of them as there ſhall be occaſion.*

Thanks to the Sheriffs of *London*, &c.

The Sheriffs of *London* were alſo called in, to whom Mr. Speaker ſpake as followeth, *That this Houſe was very ſenſible of their great care and love and reſpect to this Houſe, and in them to the Common-wealth, as alſo to the Committee of this Houſe that ſate in* London; *and for the ſpecial Service done this day; and hath Commanded him to give them hearty thanks for it, and to deſire them to return the like to the Lord Mayor and Aldermen.*

Order Indemnifying the Citizens for Guarding the Parliament.

Thus did they Court the People like *Abſolom*, indeavouring to ſteal their hearts from their Sovereign by flattering Speeches, with the ſame intention, that he did thoſe of his King and Father; and to incourage them to perſiſt in thoſe Tumultuary Courſes, it was Reſolved upon the Queſtion, *That the Actions of the Citizens of* London *and others, in the guarding and defence of the Parliament, or the Priviledges or Members thereof, either by the Trained Bands or otherwiſe, are according to their Duties, and the late Proteſtation, and the Laws of this Kingdom; and that if any Perſon ſhall Arreſt or Trouble any of them for ſo doing, he doth thereby break the Priviledges of Parliament, violate the Liberty of the Subject, and is hereby declared an Enemy of the Commonwealth.*

Which Vote was carried up to the Lords by Sir *Philip Stapleton* for their Concurrence to it, which they not only readily gave, but alſo their thanks to the Citizens, as this rude Multitude out of the Suburbs and adjacent Countries had the honour to be ſtiled, for the acceptable Service of this day.

Sergeant

Thanks given to *Skippon*, and the Captains.

Sergeant Major General *Skippon*, and the other Captains of the City of *London* were alſo called in, to whom Mr. Speaker declared as followeth,

That this Houſe did take ſpecial notice of the great Care and Affection expreſſed by them, both in the ſafeguard of the Committee, while they ſate in London ; *and for the performance of that great Service of theirs this day to the Houſe and Common-wealth, for which he was Commanded by the Houſe to give them thanks; and further to acquaint them, that for their better ſatisfaction, that the Houſe had Voted, that the actions of themſelves and other the Citizens of* London *in preſerving the Priviledges of Parliament, and the Members thereof, were done according to the Law, and their Duty and Proteſtation.*

It is one of the moſt Elegant Expreſſions of the Royal and Divine Poet, when he couples ſo ſignificantly the Raging of the Sea with the Madneſs of the People; and certainly never was there raiſed a more violent Storm, then this which was blown up by the Tempeſtuous Breath of the Faction; and ſuch was the Ambition of the Populacy to ſignalize themſelves upon this occaſion, that they looked upon it, and lamented it as a miſfortune, not to have the principal part in the Actions of this days Tumultuous Solemnity, as appears by the following Petition, which as a favour to their good intentions, was by Vote of the Houſe entred upon the Commons Journal in theſe Terms.

To the Honourable the Houſe of Commons in Parliament Aſſembled.

The Humble Petition of the Trained Bands, and other Inhabitants of the City of *Weſtminſter*.

Weſtminſter **Trained Bands Petition.**

Humbly Sheweth,

THat your Petitioners to their great and unexpreſſible Grief, lying under many heavy Preſſures and Diſtractions, but eſpecially for that there have been ſome Doubts and Jealouſies raiſed, of your Petitioners Duty and Affections to this Honourable Houſe; your Petitioners though the laſt, yet not the leaſt either in Love or Obedience, have thought fit hereby humbly to deſire your protection in theſe great Dangers, and to aſſure this Honourable Houſe, that as there are none who do more affectionately Love, ſo there ſhall not be any who ſhall more readily Obey, and Obſerve the Commands of the ſame, nor more willingly expoſe both their Perſons and Eſtates for defence of the Rights and Priviledges of Parliament; wherein your Petitioners humbly conceive do conſiſt the Security of Reigion, the Safety of His Majeſties Royal Perſon, and the due Execution of the Laws: In real Teſtimony whereof, your Petitioners humbly offer their Service to this Honourable Houſe, when it ſhall pleaſe them to Command it.

And humbly pray almighty God to Crown your unwearyed endeavours with happy and good ſucceſs.

A Petition was alſo delivered in the Name of the Inhabitants of the County of *Bucks*, by divers Gentlemen at the Bar, which was alſo by the Vote of the Houſe Ordered to be Entred as followeth.

To the Honourable the Knights, Citizens, and Burgeſſes of the Houſe of Commons now Aſſembled in Parliament.

The Humble Petition of the Inhabitants of the County of *Bucks*,

Bucks Petition Jan. 11. 1641.

Sheweth,

THat whereas for many Years paſt, we have been under very great preſſures, which are clearly ſet forth in the late Remonſtrance of the Houſe of Commons, the Redreſs whereof, which hath for a long time been by you indeavoured, with unwearied Pains, though not with anſwerable Succeſs, having ſtill your Indeavors fruſtated, or retarded, and we deprived of the Fruit thereof, by a Malignant Faction of Popiſh Lords, Biſhops and others; And now of late to take from us all that little hope was left of a future Reformation, the very being of the

January, 1641.

the Parliament ſhaken, and by the miſchievous Practiſes of moſt wicked Counſellors, the Priviledges thereof broken in an unexampled manner, and the Members thereof unaſſured of their Lives, in whoſe ſafety, the ſafety of us and our Poſterity is involved ; we held it our Duties, according to our late Proteſtation, to defend and maintain the ſame Perſons and Priviledges, to the uttermoſt expence of our Lives and Eſtates ; to which purpoſe, we are now come to make the humble tender of our Service, and remain in Expectation of your Commands and Orders, to the Execution whereof, we ſhall with all alacrity Addreſs our ſelves, ready to live by you, or Die at your Feet * againſt whomſoever ſhall in any ſort illegally Attempt upon you.

* The King not excepted.

May it therefore pleaſe this Honourable Aſſembly, to aſſiſt the Ardent Prayer of your Petitioners, that the Popiſh Lords and Biſhops, may be forthwith outed the Houſe of Peers ; That all Privileges of Parliament, yours and our Poſterities Inheritance, may be confirmed to you ; And that all evil Counſellors, the *Achans* of the Common-Wealth, may be given up to the Hand of Juſtice, without all which, your Petitioners have not the leaſt hopes of the Kingdoms Peace, or to reap thoſe glorious Advantages, which the 14 Months Seed time of your unparalell'd indeavors hath given to their unſatisfied Expectations.

So your Petitioners ſhall be bound to pray, &c.

Thanks to the *Bucks* Petitioners.

The Petitioners being called in, Mr. Speaker acquainted them, *That this Houſe had read their Petition, and finds in it, an Expreſſion of great Affection for the maintenance of the Priviledges of Parliament, with their Lives and Fortunes ; and that the Houſe hath commanded him to return this Aſſurance from them, That they ſhall alſo ſpend their Lives and Fortunes, in maintenance of Religion, the Privileges and Liberties of the Subjects of thoſe Counties, Cities and Burroughs, for which they ſerve ; and for the Petition it ſelf, they will take it ſpeedily into Conſideration.*

Then they deſired leave to ſpeak a Word more, which being granted, they ſaid, *They had a Petition to deliver to his Majeſty, which they humbly deſired this Houſe to preſent for them, or to direct them the beſt way and manner how to preſent it.*

Which Petition being received and read, and they called in again, Mr. Speaker ſaid that the Houſe had commanded him to acquaint them, *That their Demeanor and Carriage hath been ſo fair in this Buſineſs, and their Judgment and Diſcretion are ſuch, as this Houſe makes no doubt, but they know how to preſent it to his Majeſty. If* 10 *or* 12 *go with it, it is conceived it will be moſt convenient.*

The galloping Bill to enable the two Houſes to adjourn themſelves, was thrice read, and then poſted up to the Lords, where it rid three Stages more, as before is mentioned, in order to the Royal Aſſent.

The Petition of the Inhabitants of *Bucks*, which was delivered to his Majeſty at *Windſor*, was in theſe Words.

To the Kings moſt Excellent Majeſty.

The humble Petition of the Inhabitants of the County of *Buckinghamſhire*,

Sheweth,

Bucks Petition to the King concerning *Hampden*.

THat your Petitioners having by vertue of your Highneſs Writ choſen *John Hampden* Knight for our Shire, in whoſe Loyalty we his Countrymen and Neighbours have ever had good cauſe to confide : However of late, to our no leſs amazement then grief we find him with other Members of Parliament, accuſed of Treaſon : And having taken to our ſerious conſideration the manner of their Impeachment, we cannot but (under your Majeſties favour) conceive that it doth ſo oppugne the Rights of Parliament, to the maintenance whereof our Proteſtation binds us, that we believe it is the malice, which their zeal to your Majeſties Service and the State, hath contracted in the enemies to your Majeſty, the Church, and Common-wealth, hath occaſioned this foul Accuſation, rather then any deſerts of theirs, who do likewiſe through their ſides wound the Judgment and Care of us your Petitioners, and others, by whoſe choice they were preſented to the Houſe.

Your Petitioners therefore moſt humbly pray, that Maſter Hampden, *and the reſt that lye under the burden of that Accuſation, may enjoy the juſt Priviledges of Parliament.*

And your Petitioners ſhall ever pray, *&c.*

To which his Majeſty returned this Anſwer.

Windſor, 13 *Jan.* 1641.

HIs Majeſty being graciouſly pleaſed to let his Subjects underſtand his care, not knowingly to violate in the leaſt degree any of the Priviledges of Parliament, hath therefore (lately) by a Meſſage ſent by the Lord Keeper, ſignified, That he is pleaſed, becauſe of the doubt that hath been raiſed of the manner, to Wave his former proceedings againſt Maſter *Hampden*, and the reſt, mentioned in this Petition; concerning whom, his Majeſty intends to proceed in an unqueſtionable way. And then his Majeſty ſaith, It will appear that he had ſo ſufficient Grounds to queſtion them, as he might not in Juſtice to the Kingdom and honour to himſelf have forborn: and yet his Majeſty had much rather that the ſaid Perſons ſhould prove Innocent, then be found guilty; However he cannot conceive that their Crimes can in any ſort reflect upon thoſe his good Subjects, who elected them to ſerve in Parliament.

It is Incredible what Advantages the Faction made of this Action of his Majeſties, in going to the Commons Houſe in Perſon; it ſhocked even many of his beſt Friends, to that degree, that they knew not what Conſtruction to make of it; inſomuch that the Lord Mayor, Aldermen and Common-Council Men, Many of which were Loyal Men, yet in this Epidemical Petitioning time, they were alſo ſeized with the Petitioning Diſeaſe, for however warrantable modeſt Petitioning may be, yet this ſort of it was really the Effect of a diſtempered and crazy State, and did extremely promote all the inſuing Miſchiefs, and that State Calenture, for which *England* was forced to bleed ſo ſeverely. The Petition together with his Majeſties moſt excellent Anſwer, were as follows.

To the Kings moſt Excellent Majeſty.

The humble Petition of the Mayor, Aldermen, and Common Councel, of the City of *London*.

The Petition of the Lord Mayor, *&c.* of the City of *London* concerning the Kings going to the Houſe of Commons.

MAy it pleaſe your moſt excellent Majeſty; the often expreſſions of your moſt gracious acceptance of the manifeſtation of the Petitioners duty and loyalty, and the frequent Declarations of your Majeſties great care of the good and welfare of this City, and of the true Proteſtant Religion, and of protecting and preſerving the Perſons and Priviledges of your great Councel aſſembled in the high Court of Parliament: Each encouraged the Petitioners to repreſent the great Dangers Fears and Diſtractions wherein the City now is by reaſon of the prevailing progreſs of the bloudy Rebels in *Ireland*, fomented, and acted by the Papiſts and their Adherents, and want of Aid to ſuppreſs them, and the ſeveral intimations they have had both Forreign and at Home, of the driving on of their Deſigns, tending to the utter ruin of the Proteſtant Religion, and of the Lives and Liberties of your Majeſties loyal Subjects, the Putting out of Perſons of Honour and Truſt from being Conſtable and Lieutenant of the Tower, eſpecially in theſe times, and the Preparations there lately made, the fortifying of *Whitehall*, with men and Munition in an unuſual manner: Some of which men with provoking language and violence, abuſed divers Citizens Paſſing by, and the drawing divers ſwords, and therewith wounding ſundry other Citizens in *Weſtminſter-hall*, that were unarmed: the late endeavours uſed to the Inns of Court, the calling in divers Canonneers and other aſſiſtance into the Tower, the late Diſcovery of divers Fire-works in the hands of a Papiſt, and the miſ-underſtanding betwixt your Majeſty and Parliament, by reaſon of miſinformation, as they humbly conceive.

Beſides all which the Petitioners fears are exceedingly encreaſed by your

January 1641.

Majeſties late going into the Houſe of Commons attended with a great multitude of armed men beſides your ordinary Guard, for the apprehending of divers Members of that Houſe, to the endangering of your Sacred perſon, and of the perſons and Priviledges of that Honourable Aſſembly.

The effects of all which Fears do tend, not only to the overthrow of the whole Trade of this City and Kingdom, which the Petitioners already feel in a deep meaſure, but alſo threatens the utter ruine of the Proteſtant Religion, and the Lives and Liberties of all your loyal Subjects.

The Petitioners therefore moſt humbly pray your Sacred Majeſty, That by the advice of your great Councel in Parliament, the Proteſtants in *Ireland* may be ſpeedily relieved, The Tower put into the hands of perſons of truſt: That by removal of doubtful and unknown perſons from about *White-hall* and *Weſtminſter*, a known and approved Guard may be appointed for the ſafety of your Majeſty and Parliament, and that the Lord *Mandevill* and the five Members of the Houſe of Commons lately accuſed, may not be reſtrained of Liberty or proceeded againſt, otherwiſe then according to the priviledges of Parliament.

And the Petitioners (as in all duty bound) ſhall pray for Your Majeſties moſt long and happy Reign, &c.

His Majeſties Anſwer to the Petition of the Mayor, Aldermen, and Common-Councel of the City of London.

His Majeſty having fully conſidered the matter of this Petition, is graciouſly pleaſed to declare, that being unalterably reſolved to make good all his Expreſſions and Declarations of his care of this City, Of the true Proteſtant Religion, and of the privileges of Parliament; His Majeſty takes in good part, the intimation given by the Petitioners of the fears and diſtractions wherein the City now ſeems to be. And though He conceives He did on Wedneſday at the Guild-hall ſatisfie moſt of thoſe particulars, is pleaſed to add this further Anſwer.

1. That for the ſad buſineſs of *Ireland*, His Majeſty cannot poſſibly expreſs a greater ſence then He hath done, there being nothing left on His Majeſties part unoffered or undone. And He hoped by the ſpeedy advice and aſſiſtance of His Parliament, that great and neceſſary Work would be put in a juſt forwardneſs, to which his Majeſty will contribute all his power: And how zealous He is and hath bin therein, will appear in a Declaration ſpeedily to be ſet forth by his Majeſty.

2. For the Tower: His Majeſty wonders, that having removed a Servant of good Truſt and Reputation, from that Charge, onely to ſatisfie the fears of the City, and put in another of unqueſtionable Reputation, and known ability, the Petitioners ſhould ſtill entertain thoſe fears; and what-ever preparation of Strength is there made, is with as great an Eye of Safety and advantage to the City, as to his Majeſties own Perſon, and ſhall be equally employed to both.

3. For the fortifying of *White-hall*, with Men and Munition in an unuſual way: His Majeſty doubts not, but the Petitioners have obſerved the ſtrange provocation he hath received to entertain that Guard: That by the diſorderly, and tumultuous conflux of people at *Weſtminſter* and *White-hall*, his Majeſties great Councel was not onely diſquieted, but his own Royal Perſon in danger, moſt ſeditious language being uttered even under his own windows, whileſt the examination and puniſhing ſuch Tumults by the courſe of Law were interrupted and ſtopped. And if any Citizens were wounded or ill intreated his Majeſty is confidently aſſured, that it hapned by their own evil and corrupt demeanours.

4. His Majeſty knows no other endeavours to the Innes of Court, then a gracious intimation, That He received the tender of their loyal and dutiful Affections with very good Approbation and Acceptance, and an incouragement given them to continue the ſame upon all occaſions. Neither doth his Majeſty know, what diſcovery hath bin lately made of Fire-works in the hands of any Papiſt.

5. For his going to the Houſe of Commons (when his Attendants were no otherwiſe armed then as Centleman with Swords) his Majeſty is verily perſwaded,

January, 1641.

ſwaded, That if the Petitioners knew the cleer grounds upon which thoſe perſons ſtand accuſed of high Treaſon, and what will be proved againſt them (which in due time they ſhall be acquainted with) and conſidered the gentle way his Majeſty took for their apprehenſion (which he preferred before any courſe of violence, though that way had bin very juſtifiable; for his Majeſty is very well aſſured, that it is notoriouſly known, that, no privilledge of Parliament can extend to Treaſon, Felony, or breach of the Peace) the Petitioners would believe his Majeſties going thither was an Act of grace and favour to that Houſe, and the moſt peaceable way of having that neceſſary ſervice for the apprehenſion of thoſe perſons performed; ſpecially, if ſuch Orders have bin made (which his Majeſty is not willing to believe) for the reſiſtance of all lawful Authority, as are diſcourſed of.

6. And for the proceedings againſt thoſe Perſons mentioned in the Petition: his Majeſty ever intended the ſame ſhould be with all juſtice and favour according to the Laws and Statutes of the Realm; to the which all innocent men would cheerfully ſubmit.

And this extraordinary way of ſatisfying a Petition of ſo unuſual a nature, his Majeſty is confidently perſwaded, will be thought the greateſt inſtance can be given of his Majeſties clear intention to his Subjects, and of the ſingular eſtimation he hath of the good affections of the City, which he believes in gratitude will never be wanting to his juſt Commands and Service.

An Information of a Plot againſt ſome Lords.

The People were kept perpetually allarm'd, with one little Plot or another, either againſt the Parliament in General, or ſome particular Perſons, the Favorites of the Faction, ſo it is no Miracle that they were in ſuch heats, but rather that they did not fall into perfect Frenzy and Madneſs, for want of Sleep to cool their Brains; every day produced a new Diſcovery, to keep them waking. And this Day one *Francis Moor* an *Italian*, gave in an Information to the Houſe of Lords, *That yeſterday he coming towards* White-Hall, *he ſtood talking with an* Iriſh-*Man, who lives with the Lord Viſcount* Loftus, *in the Street, and overheard one* Brian Kelly *an* Iriſh-*Man, Servant to the Earl of* Arundel, *ſpeak in* Italian, *to one* Signior Franciſco *an* Italian, *and ſay, That there was a Plot laid to kill ſome Lords of the Parliament, and in particular named the Earl of* Northumberland, *the Earl of* Eſſex, *the Earl of* Holland, *the Earl of* Pembroke *and the Earl of* Leiceſter.

Hereupon, It is Ordered, *That the ſaid* Brian Kelly *and* Signior Franciſco, *ſhall be forthwith apprehended and attached by the Gentleman Uſher attending this Houſe, and brought as Delinquents to the Bar; which was done accordingly, and* Brian Kelly *being brought to the Bar, and charged with the Words, he denied, that he ever ſpake any ſuch Words.* Thereupon *Moore* was called in to confront him, and upon Oath averred what he had formerly informed.

Whereupon *Kelly* was by Order of the Lords committed to *Newgate*; & that Mr. *Juſtice Reeves* and *Juſtice Foſter*, do preſently examine the ſaid *Kelly* and *Signior Franciſco*, and all others whom they think fit to give further Informations in this Buſineſs, and report the ſaid Examinations to the Houſe.

Mr. Juſtice *Reeves* informed the Houſe, *That the* Iriſh *Man's Name, that was with* Moore *when he heard* Kelly *ſpeak the Words, is* Philip Dnell, *Servant to the Lord* Sheffield. Hereupon the ſaid *Dnell* was ſent for to attend the Houſe preſently, and to be Examined.

The Lord Chief Juſtice of the King's Bench, was alſo Ordered forthwith to examine *Tho. Acroie* and *Signior Franciſco*, and ſuch others as he ſhall think fit to examine touching the Report of the Plot, that certain Lords of this Houſe ſhould be killed, and to report the ſame to the Houſe.

The Attorney General ordered to juſtify his proceed-

It was then moved, *That Mr. Attorney General might be commanded to*

ſpeak

January, 1641.

ſpeak what he can, to juſtify the manner of Proceedings againſt the Lord Kymbolton, *and the five Members of the Houſe of Commons.*

ings againſt *Kymbolton* and 5 Members.

Then Mr. Attorney made a Narrative of what he did that Day by the King's Directions, and when he came to juſtify himſelf as to the legality of the proceeding, and that it was agreeable to the Courſe of Parliament, he deſired ſome time to prepare himſelf, with ſome particular Proceedings, which would be too long to read now, and the Houſe gave him time till to morrow Morning.

Meſſage from the Commons about the Tower.

The Commons were reſtleſs to have the Loyal Lieutenant Sir *John Byron* out of the Tower, and therefore a Meſſage was ſent by them to let their Lordſhips know, *That they are informed that there are extraordinary quantities of Ammunition carried out of the Tower, and extraordinary Stores of Proviſions carried in, and therefore deſire the Lieutenant may be ſent for, to give an Account of theſe things. Which the Lords agreed to, and immediately ſent for the Lieutenant and Captain* Conniſby, *to attend both Houſes of Parliament preſently.*

But this was not ſatisfactory enough, for Mr. *Pym* came with a ſecond Meſſage to the ſame Effect, *And that therefore the Houſe of Commons deſire, that Directions may be given to the Lieutenant of the Tower, and the Maſter of the Ordnance, That no Proviſions or Ammunition whatſoever ſhall be ſent out of the Tower, without the King's Authority, ſignified by both Houſes of Parliament: and that no extraordinary quantity of Proviſions be brought into the Tower, without his Majeſties Pleaſure, ſignified by the Houſes of Parliament.*

For the putting this in Execution, the Houſe of Commons deſire that a convenient Guard may be put about the Tower *by Land and by Water, and this Guard to be appointed by the Sheriffs of* London, *and to be under the Command of Sergeant Major General* Skippon, *and that the Care of the Parliament herein may be intimated to the Common Council of* London.

Whereunto the Houſe of Lords immediately agreed. Thus did they exactly follow the Example of their Brethren of *Scotland*, who in the beginning of the Rebellion there, laid a Blockade to the Caſtle of *Edinburgh*, till they got it into their Power, and a Creature of their own placed in it, which was the Deſign now upon the Tower of *London*.

And theſe Meſſages produced the following Order.

Order of Lords and Commons to ſet a Guard upon the Tower.

Ordered by the Lords and Commons in Parliament, That the Earl of Newport, *Maſter of the Ordnance, and the Lieutenant of the Tower for the time being, their Deputies or other Officers, ſhall not permit or ſuffer any Ordnance, Ammunition or other Proviſions whatſoever, to be carried out of the Tower, nor permit extraordinary Increaſe of Waiters, or any Proviſion of Victuals in any extraordinary Quantity, or Proportion to be brought into the Tower, without the King's Authority ſignified to both Houſes of Parliament.*

And for the better Safeguard of the Tower, It is further Ordered by both Houſes of Parliament, That the Sheriffs of London *and* Middleſex *ſhall appoint and place a ſufficient Guard about the Tower, both by Land and Water, under the Command of Sergeant Major General* Skippon, *Commander of the Guards of the Parliament; and that theſe Guards be careful to ſee the former Order obſerved: And the ſaid Sheriffs are required to intimate to the Common Council of* London, *in what manner the Lords and Commons have provided for the Safety of the* Tower.

Order to ſtay 4 *Dunkirkers* with Ammunition, &c. for the Rebels.

Then an Order was directed to the Lord Admiral to ſtay four Ships lately come from *Dunkirk*, with Arms and Ammunition for the Rebels in *Ireland*: alſo, the like Order to the L. Duke of *Richmond*, Conſtable of

Dover-Caſtle, and Lord *Warden* of the *Cinque-Ports*, and to the Earl of *Portland*, Captain of the Iſle of *Wight*.

Lieutenant of the *Tower*'s anſwer to the Order to attend the Parliament.

The Houſe was informed that the Lieutenant of the Tower was ſerved with the Order, and after he had read it, he ſaid, *That he was very deſirous to attend the Houſes of Parliament, according to the Order, but conceived he could not come without his Majeſties leave firſt obtained, in reſpect he hath received a Warrant from his Majeſty, with a Command not to depart out of the Tower, without his Majeſties leave, but to reſide there.* A Copy of which Warrant the Lieutenant ſent to the Parliament, and Captain *Conisby* was called in and atteſted the ſame; producing this following Warrant:

The King's Warrant to Sir *John Byron* Lieutenant of the Tower.

CHARLES R.

Truſty and Well beloved; We greet you well: Foraſmuch as in theſe Tumultuous times, We have thought it neceſſary that the Tower of London, *where remains not only Our Principal Magazine of Arms and Munition, but alſo Our Records, and other Matters of great Importance, ſhould be always very well Ordered, and that all the Officers and Guard there ſhould be all Reſident to perform their Duties; Our Will and Command therefore is, That you fail not to reſide conſtantly in Our ſaid Tower, to ſee the Guard there to perform their ſeveral and reſpective Duties, and that you (at no time) go out of Our ſaid Tower, upon any occaſion whatſoever, without firſt acquainting Us therewith, and receiving Our leave and Order for the ſame; and herein We expect that you fail not, as you tender Our diſpleaſure, and will Anſwer the contrary, for which, theſe ſhall be your ſufficient Warrant. Given under Our Signet at Our Court at* White-Hall, *the* 10th day *of* January *in the* 17 *Year of Our Reign.*

To Our Truſty and Well-beloved Sir *John Byron*
Knight of the *Bath*, Lieutenant of Our Tower of *London*.

Whereupon the Houſe conceived, That the Lieutenant of the *Tower* had committed a high Contempt to the Order of this Houſe in not coming, notwithſtanding the King's Warrant, becauſe the King's Command is always ſuppoſed to be in an Order of this Houſe.

And after much debate, a Meſſage was ſent to acquaint the Commons with the whole Matter.

Information againſt Lord *Digby* & Col. *Lunsford*.

A Meſſage was then brought up from the Commons by Mr. *Nathaniel Fines*, *That whereas the Houſe of Commons hath been informed, That Collonel* Lunsford *and the Lord* George Digby, *Son to the Earl of* Briſtol, *with others, have gathered together Troops of Horſe, and have appeared in a Warlike Manner at* Kingſton *upon* Thames *within the County of* Surrey, *where the Magazine of that Part of the Countrey lies, to the Terror and Fright of his Majeſties good Subjects, and Diſturbance of the Publick Peace of the Kingdom; the Houſe of Commons hold it fit, that particular directions be ſent, to the Sheriffs of* Surrey *and* Middleſex, Bucks *and* Berks, *for the ſuppreſſing of ſuch Aſſemblies being contrary to Law, and to take ſome Courſe, for the ſecuring of thoſe four Counties, and the* Strand *and* Weſtminſter *and the Magazines thereof; and for the ſuppreſſing of all unlawful Aſſemblies, that are gathered together, to the diſturbance of the Peace of the Kingdom; and they to be required to call in the Juſtices of the Peace, and Train'd Bands of the Counties for their Aſſiſtance herein; and to give a ſpeedy account of their Proceedings therein, to the Parliament.*

Portſmouth.

The Houſe of Commons do alſo deſire their Lordſhips to take Order, That the Lord Digby, *a Member of this Houſe be required to give his Attendance here: And further they deſire, That an Order may be ſent from both Houſes to the Governor of* Portſmouth, *requiring him, that he do not deliver up the Town, nor receive any Forces into it, but by his Majeſties Authority ſignified by both Houſes of Parliament.*

Common-Council.

And Laſtly, Whereas the Common Council of London *hath appointed a Committee to conſider of the defence and ſafety of the City; and that the Reſolution of the ſaid*

Committee can take no effect, until they be communicated to the Common Council; the Houſe of Commons deſires their Lordſhips to joyn with them in an Order, That the Lord Mayor ſhall call a Common-Council together as often, and at ſuch times, as ſhall be deſired by the ſaid Committee; and that whatſoever Order the ſaid Lord Mayor hath or ſhall receive from either of the Houſes of Parliament, ſhall be imparted to the ſaid Committee.

To the firſt part of this Meſſage the Lords agreed. To the ſecond, *That the Lord* Digby *have notice to attend this Houſe, if he be at* Kingſton, *or at Court, but if he be gone to* Sherborn *to fetch up his Lady, he is to go on his Journey.* To the third: It was Reſolved, &c. *That this Houſe will joyn with the Houſe of Commons, concerning the Governor of* Portſmouth.

Lords Diſſenting from the Vote about *Portſmouth.*

Theſe Lords following, before the Queſtion was put, *Deſired their Right of entring their Diſſent to this Vote; if it were carried againſt them;* Which the Houſe gave way unto, *viz.* Earl of *Southampton*, Lord *Mowbray*, Lord *Wentworth*, Lord *Pierpoint*.

To the latter part of the Meſſage concerning the Common-Council, the Houſe agrees therein with the Houſe of Commons, and the next day they were drawn into formal Orders of both Houſes.

Earl of *Southampton* queſtioned for Words.

The Earl of *Southampton* ſpeaking ſome Words in the Debate of this Meſſage which the Houſe conceived to reflect upon the Honor of the Houſe, which were, *That the Parliament had neglected their Duty to the King, for the ſafety of his Perſon;* Upon which his Lordſhip was put to explain himſelf, which being done, theſe Reſolutions paſſed.

Reſolved, &c. Nemine contradicente, *That this Parliament have performed their Duties to the King, for the Safety of his Perſon.*

Reſolved, &c. *That the Earl of* Southampton *hath ſatisfied this Houſe with the Explanation he now made of himſelf.*

A Meſſage was then brought from the Houſe of Commons by Sir *Philip Stapleton*, being two Votes concerning Sir *John Byron* Lieutenant of the Tower, to which they deſired the Concurrence of the Lords.

Votes of the Commons concerning the Lieutenant of the *Tower*.

(1.) *That Sir* John Byron, *the now Lieutenant of the Tower hath committed a high Contempt againſt the Authority and Priviledges of Parliament, in refuſing to appear upon the Summons of both Houſes of Parliament.* To which the Lords agreed.

(2.) *That Sir* John Byron, *the now Lieutenant of the Tower ſhall be ſent for as a Delinquent.*

The Lords deferred giving any Reſolution of this laſt Vote at this time.

Search to be made about the Commons Houſe.

In the Commons Houſe it was this day Ordered, *That another Lock be ſet upon the Door under the Stairs at the Door of the Commons Houſe; and that Mr.* Bell *keep the Key, and ſearch it every Morning; alſo, that it be referred to the Committee appointed to ſearch about the Houſes and Places near the Parliament Houſe, to take daily care that all Places thereabout, be ſafeguarded and kept Secure.*

***Calcot* the Informer of *Lunsford*'s being at *Kingſton* with 500 Horſe.**

Mr. *Theophilus Calcot* gave the Houſe Information of many Horſe under the Command of Collonel *Lunsford*, were Lodged at *Kingſton* upon *Thames*, to the number of 500 or thereabouts, *That there came Yeſterday two Loads of Ammunition; that there was laſt night Captain* Thomas Howard *a Member of the Commons Houſe, and as they ſay, had a Command of ſome Men there;* Which occaſioned the Meſſage before mentioned.

It ſeems the Information did not agree, for afterwards Mr. *Hollis* reported from the Committee appointed to conſider of this Information, *That there were about 200 Men there, that they have Piſtols, and diſcharge them, and carry themſelves in a diſorderly Manner, to the Terror of the People.* And in reality, all this great Army at *Kingſton* was only the Lord *Digby* and his ordinary Retinue: But every thing was Multiplied and Magnified to the higheſt degrees, and whether true or falſe it did the buſineſs Effectually, and kept up the Fears and Jealouſies of the People, and confirmed them in the belief of ſtrange Plots againſt the City and Parliament.

The Committee to draw the Declaration to be ſent into all Parts of the *Kingdom*, to put themſelves into a Poſture of Defence.

Then Mr. Sollicitor *St. Johns*, Mr. *Whitlock*, Sir *H. Anderſon*, Sir *Gilbert Gerrard*, Mr. *Green*, Sir *John Holland*, Mr. *Whiſtler*, Sir *H. Mildmay*, Mr. *Rigby*, Mr. *Boduile*, Mr. *Grimſton*, Sir *Martin Lumley*, Sir *Edward Hungerford*, Mr. *Cave*, Sir *Edward Patherich*, Serjeant *Wild*, Sir *Thomas Barrington*, Mr. *Aſhton*, Mr. *Moore*, Mr. *Strode*, Sir *J. Evelyn*, Mr. *Noble*, Sir *William Maſſam*, Mr. *Liſle*, were appointed a Committee, to take into conſideration, the drawing of a Letter or other Declaration, to be preſented to the Lords, and by both Houſes to be publiſh't in Print, and ſent into all the parts of the Kingdom, adviſing them with all Expedition to be in a readineſs and a good poſture of Defence, upon all occaſions, to defend their ſeveral Counties from Invaſion by *Papiſts* or other ill affected Perſons, and to declare the ſeveral Deſigns, that this quarter of a year laſt paſt hath been againſt the Parliament and ſafety of the Kingdom.

It was alſo Ordered, *That* 2000 l. *of the Pole Money ſhall be paid by the Lord Mayor of* York, *to Sir* John Hotham *for the ſervice of* Hull.

Search for Arms at Mr. *Ropers* at *Eltham* in *Kent*.

It was alſo Ordered, upon the Information of Mr. *Thomas Blunt*, *That the ſaid Mr.* Blunt *and Mr.* Gibbon, *or either of them do forthwith make diligent ſearch in the Houſe of Mr.* Anthony Roper *in* Kent, *at* Eltham, *or any other ſuſpected place, for Arms and Ammunition; and if they find any there, to Seize the ſame, and to apprehend the Perſon of him, or any other Suſpected Perſons, and to take Examinations touching this matter, and to uſe their beſt indeavours for the Apprehending of Mr.* Cecil Cave. Who (as *Blunt* ſaid he had been informed,) had given out, that ere long Bloud would be Sold as cheap as Milk.

Letters to Mr. *Crofts* opened.

The Serjeant was ordered to repair to the Queens Millener, and require him forthwith to attend the Houſe, with the Paquet of Letters which he this day received by the *French* Poſt, directed to Mr. *Crofts*.

Order to Seize Saddles and Horſes.

Joſeph Lee a Waterman informed the Houſe of ſome great Saddles going to *Kingſton* by water, whereupon, the Serjeant was commanded to Seize them; And an Order was ſent to the Juſtices next *Hampton* Town, to make ſtay of ſome Horſes, that the Houſe is informed are now in the Stable of one Mr. *Robinſon*, until this Houſe ſhall take further order.

Search for Arms at Sir *James Hamiltons* Lodgings.

An other Order to Sir *John Franklyn* and Mr. *Whittacre* to ſearch the Lodgings of Sir *James Hamilton* for Arms and Ammunition, and to Seize the ſame, and to apprehend the Perſons there, or in any other place.

Information was alſo given of Arms at *Fox-Hall*, which being the Lord *Herberts*, he was willing they ſhould be diſpoſed of as the Parliament thinks fit; and therefore Sir *John Evelyn* was appointed to go with a Meſſage, to deſire the Lords to joyn with the Commons for the removing them from thence to the City of *London*, to be there ſecurely kept, in regard of the Danger of theſe times, and the weakneſs of that Place, the Situation of it ſo near the Houſes of Parliament, and the conveniency of Water, and the Forces that are now Aſſembled at *Kingſton*.

January, 1641.

Thus did they amaſs a multitude of Informations, ſearched all corners for Arms and Ammunition, to countenance the Noiſe of a Plot againſt the Parliament; but truly with very little ſucceſs, moſt of theſe hopeful Plot Eggs proving Addle, and Dwindling into nothing more then ſerving the preſent turn of keeping up the People in a belief of this Horrible Plot againſt the Parliament.

Thurſday, Jan. 13.

The Houſe of Lords being informed that one *James Hanham* a Recuſant of *Holle-Well* in *Sommerſet-ſhire*, had Arms for 40. Foot, and 20. Horſe, and three Pieces of Braſs Ordnance, which cauſeth great terror to his Majeſties good Subjects; It was Ordered that the Sheriff of that County and the two next Juſtices of the Peace, ſhould Seize and take into their Cuſtody the Arms and Ordnance that they ſhall find in the Houſe of the ſaid *Hanham*, and keep them for his Majeſties Uſe and Service.

A Meſſage was then brought from the Houſe of Commons by the Lord *Grey* of *Grooby*, to let their Lordſhips know, *That they find abroad under the hand of the Clerk of this Houſe Articles of High Treaſon, and of other Miſdemeanors againſt the Lord* Kymbolton, *and five of the Members of the Houſe of Commons; and they deſire to know how thoſe Articles came into this Houſe.* To which the Anſwer was, *That theſe Articles were brought into this Houſe by Mr.* Attorney General.

The Lord Keeper, next, Reported to the Houſe, *That he had waited on the King, and according to their Lordſhips command, he had moved his Majeſty from both Houſes, that he would be pleaſed to give his Royal Aſſent to the three Bills lately paſſed both Houſes; and likewiſe hath acquainted his Majeſty with the Order made concerning the putting of Sir* John Hotham *into* Hull, *for the ſecuring of the Town and the Magazines there:* And his Majeſty returns this Anſwer.

The Kings anſwer concerning the three Bills paſſed.

(1.) *Concerning the Bill for preſſing of Marriners, and concerning the Captives of* Algier, *his Majeſty is content to paſs his Royal Aſſent for them; for that purpoſe he hath given Warrant for a Commiſſion: But for the Bill of giving Power to the Houſes to Adjourn into* London, *his Majeſty ſays, in regard neither he, nor any of his Council hath ſeen it, he will take ſome time to conſider of it before he reſolves any thing therein.*

(2.) *For the Fears concerning* Hull, *his Majeſty hath formerly conſidered the ſame, and hath already taken Special care for the ſecurity of that Place, from the adjoyning* Papiſts.

Likewiſe his Lordſhip Reported, *That his Majeſty had commanded him to deliver this anſwer to both Houſes, touching the Lord* Kymbolton *and the five Members of the Houſe of Commons:*

The Kings Meſſage concerning the Lord *Kymbolton*, and the 5 Members.

That his Majeſty taking notice, that ſome conceive it diſputable, whether the Proceedings againſt the Lord Kymbolton, *Mr.* Hollis, *Sir* Arthur Haſlerig, *Mr.* Pym, *Mr.* Hambden *and Mr.* Strode, *be Legal and Agreeable to the Priviledges of Parliament; and being very deſirous to give Satisfaction to all Men, in all matters, that may ſeem to have relation to Priviledges, is pleaſed to wave his former Proceedings, and all doubts being by this means ſettled, when the Minds of Men are compoſed, his Majeſty will proceed thereupon in an unqueſtionable Way; and aſſures his Parliament, that upon all occaſions he will be as careful of their Priviledges, as of his Life and his Crown.*

Whereupon it was Ordered, *That this Anſwer be Communicated to the Houſe of Commons.*

Upon this occaſion I find a Speech of the Earl of *Monmouth*'s made this day in the Houſe of Lords, which becauſe it takes notice that the King did not think himſelf ſafe at *White-Hall*; I have here inſerted: and I find this alſo confirmed, in a little Book written by Mr. *Howel*, and Dedicated to the late Uſarper, where recounting the Tranſactions of thoſe times, he ſaid, "*That the King rather then Expoſe himſelf to* "*ſuch bare Indignities as were offered to him, during theſe Popular* "*Riots, and there being Dark Whiſpers, of an attempt upon his Per*"*ſon; He Retired to* Hampton Court, *and thence to* Windſor Caſtle, "*&c.* The Earles Speech was as follows:

Howells Inſpections into the Carriage and Conſults of the long Parliament, pag. 97.

The Earl of *Monmouth*'s Speech in the Lords Houſe, *January* 13. 1641.

My Lords,

I Shall deſire to be heard ſpeak a few Words, which I would much rather have heard ſpoken by any of your Lordſhips, that ſo they might have a happier and a more handſome Expreſſion; though with a better Heart, and clearer Intentions they could not have been ſpoken.

The ſad Condition we are now in (My Lords) is ſuch, as is too apparent to any Man, who hath but half an Eye: the City of London *is full of Jealouſies and Apprehenſions, we ſit not here free from Fears; the King hath with-drawn himſelf from hence, together with his Queen and Children, out of a belief, (as I conceive) that his Majeſties Perſon was not ſafe here. While things continue in this Poſture (My Lords) we may well fear an impairing, we can hardly hope for the bettering of Affairs: God hath plac'd us (My Lords) in the Medium betwixt the King and his People; Let us play our Parts (My Lords) Let us do our Duties, and diſcharge our Conſciences; Let us really prove, what we are by Name, Noblemen: Let us indeavor to work a perfect and a true Underſtanding, between the King and his People: Let us freely unboſome our ſelves to his Majeſty; and deſire that his Majeſty will be pleaſed to do ſo to us; and to this end, (My Lords) which is the end of my Motion, if it ſhall be approved of by your Lordſhips, I do humbly move, that by way of Conference, or any other way, we may deſire the Houſe of Commons to joyn with us: firſt in an humble Petition to his Majeſty, that he would be graciouſly pleaſed to return to his good City of* London, *as the ſafeſt Place we conceive for his ſacred Perſon, in theſe diſtemper'd Times; and then that they will likewiſe joyn with us in a Profeſſion or Proteſtation, that we will do what in us lies, to free his Majeſty from his Fears; to take from the Citizens of* London, *and his Majeſties other Subjects their Jealouſies and Apprehenſions; and that we will Live and Dye his Majeſties faithful Adviſors, Counſellors and Loyal Subjects.*

Lieutenant of the Tower at the Bar as a Delinquent.

The Lieutenant of the Tower being come, was brought to the Bar as a Delinquent, and the Lord Keeper, by direction of the Houſe, asked him, *Why he committed the high Contempt Yeſterday, in refuſing to attend both Houſes of Parliament, according to the Order ſerved upon him.* Hereupon he Anſwered, *That he was between His Majeſties Commands and their Lordſhips Order, but he underſtanding ſince, that the King's Command is included in their Lordſhips Order, and one in Effect, he deſired their Lordſhips Pardon for his not coming Yeſterday, proteſting he did it not out of any Diſobedience or Contempt of the Parliament.*

January, 1641.

This being done he withdrew, and the Lords ſent to the Commons to acquaint them, *That the Lieutenant of the Tower had been at the Bar, and the Anſwer he gave :* And after ſome Attendance it was Ordered, *That the Lieutenant of the Tower ſhall be diſmiſſed of his Attendance for the preſent, until he have further Order to attend this Houſe.*

The Biſhops were alſo this day Ordered to put in their Anſwers upon *Monday* next; and this Order was ſent to the Houſe of Commons by Sir *Robert Rich*, and Mr. *Page*, to give them Notice to be preſent, if they think fit.

The Attorney General juſtifies his proceedings againſt *Kymbolton*, &c.

The Attorney General was then heard what he could ſay to juſtifie himſelf, for charging the Lord *Kymbolton* and the five Members, that it was a Parliamentary proceeding, and no breach of Priviledges.

And firſt, he ſaid, *That for the matter of the Charge, and the framing of the Articles, he had nothing to do with them, neither did His Majeſty adviſe with him therein, but the bringing of the Charge into this Houſe, which he did by His Majeſties Command, and only in Obedience thereunto ;* And for the Legality of this proceeding, he inſiſted upon, and opened at large the whole proceeding of the King's Attorney in the Earl of *Briſtol*'s Caſe, 1 & 2 *Car.* which being done, *The Houſe appointed to take this buſineſs into further conſideration to morrow.*

The Lord *Kymbolton*, upon His Majeſties late Meſſage concerning himſelf and the five Members, moved, *That ſince His Majeſty waved the former proceeding, the Houſe would become Suitors to His Majeſty, that he may be brought to as ſpeedy a Tryal as may be, that ſo he might not lye under this Accuſation, but be cleared or judged.* And truly he could in no ſenſe be blamed for that, eſpecially conſidering, that to be well aſſured of the favour of his Judges, muſt needs give any Perſon a deſire to come to a Tryal, where he hopes to be acquitted, and is in very little apprehenſion of a Sentence.

The Commons deſire to examin the Attorney General.

The Commons having deſired liberty to Examine the Attorny General, upon certain Interrogatories, he made it his humble Requeſt to the Houſe, *That he may be excuſed from anſwering to any Queſtions to diſcover what the King hath Committed to him as ſecret Council, where by his Oath he is bound not to reveal; but what concerns himſelf he would willingly and ingeniouſly Anſwer unto.* And it was the ſenſe of the Houſe, *That if Mr. Attorney at the Conference ſhall deſire not to Anſwer to ſome Queſtions as may be asked him, the Houſe will take it into Conſideration, whether it be fit for him to Anſwer or not.*

A Meſſage was brought from the Houſe of Commons by Mr. *Whitlock, That he was Commanded to preſent to their Lordſhips a Declaration, for putting the Kingdom into a Poſture of Defence; which having paſſed the Houſe of Commons, they deſired their Lordſhips to joyn with them therein, that it may be diſperſed through the Kingdom.* Which was read as followeth.

A horrid Calumniating Declaration to put the Kingdom into a Poſture of Defence.

W*Hereas the Papiſts and other ill affected Perſons within this Kingdom, both before and ſince the Parliament, by many Wicked and Traiterous Deſigns mentioned in a Remonſtrance of the State of this Kingdom, have Plotted and Laboured the Confuſion of this State and Government, the Subverſion of the Ancient and Fundamental Laws of this Kingdom,* and a diviſion of the Body of this Common-wealth from the Head thereof, *to the End they might the better Effect their Deviliſh and*

Bloody

January, 1641.

Bloody purpoſes, for the utter deſtruction of the True Reformed Religion, and the Profeſſors of the ſame; and in further purſuance of their wicked indeavours, have and daily do contrive all poſſible means to bring this Kingdom into the like miſerable condition of that of Ireland, *as do clearly appear to the Lords and Commons in this preſent Parliament, by ſundry Informations and Examinations produced before them; and the better to bring the ſame to paſs here, as they have already done in* Ireland, *they ſecretly and cunningly work, to raiſe diſturbance in this Kingdom, by high breaches of the Priviledges of Parliament, plotting to have ſome of the Members thereof to be Accuſed of High Treaſon, and ſome of them to be taken by Force out of the Houſe of Commons, and to that End, reſorting in great numbers in a Warlike manner to the very Doors of the ſaid Houſe, Armed with Swords, Piſtols and other Weapons ready, and intending to fall upon the ſaid Houſe, and to have cut the Throats of the Members there, as by divers Examinations clearly appears; whereby this Parliament might have been Diſſolved in Blood and Confuſion, the relief of the Proteſtants in* Ireland *prevented, and an evident and ſpeedy way opened to the Ruin of us and our Religion here in this Kingdom, but failing of their hopes therein through the great Mercy of God towards us: nevertheleſs they ſtill perſiſt in their Wicked and Traiterous Courſes, Confederating themſelves with Strangers, and Inſtigating Foreign Princes to joyn their Councells and Forces, and by Invaſion from abroad, and Inteſtine Wars here amongſt our ſelves, to waſt the Wealth and Subſtance, and Totally to Annihilate the True Proteſtant Religion, and the whole Frame of Government in all his Majeſties Dominions; and building upon that Foundation great Numbers of Soldiers, Papiſts and other diſ-affected Perſons to our Exiſtence and Well-being, have Inrolled themſelves in a Liſt under the Command of Perſons fit for the Execution of their wicked Deſigns, and have made great preparations of Arms, Ammunition and Victuals in ſeveral Parts of the Kingdom; where they have likewiſe had frequent Aſſemblies to conſult, how they might compaſs their deteſtable Machinations, and through Malignant Counſels, have prevailed ſo far, as to have the Tower of* London, *and other places of Eminent Strength and Truſt, to be put in the hands of ſuch Perſons as we have juſt cauſe to ſuſpect will adhere to them, and turn the Strength of the Kingdom againſt it ſelf.*

All which the Lords and Commons in this preſent Parliament Aſſembled, as Watch-men truſted for the good and well-fare of the Kingdom, Church and State, having taken into their ſerious Conſideration, and Labouring by all fit means to prevent this great and threat'ning danger to his Majeſties Royal Perſon, and to our Religion, Lives, Liberties and Fortunes, have thought good to give a timely Advertiſement thereof, to all his Majeſties Subjects of the Reformed Proteſtant Religion, declaring hereby, That they hold it neceſſary and adviſeable, that with all Expediti- they put themſelves into a good poſture of Defence, to provide fit Arms and Ammunition, and be ready upon all occaſions to defend the ſeveral Counties from Domeſtick Inſurrections, and Foreign Invaſions; and that the Sheriffs, Juſtices of Peace, Majors, and Head-Officers within their ſeveral Limits do take Care that their Magazines of Powder, Arms, and other Ammunition be compleatly furniſhed, and that they cauſe ſtrong Guards and Watches to be ſet in convenient places for the Securing themſelves, and for the apprehending of ſuch Perſons, who they ſhall have juſt cauſe to ſuſpect; and if upon Examination any grounds of danger ſhall appear,

January,
1641.

appear, to give notice thereof unto the Parliament, and that all Officers take ſpecial care, that no Soldiers, Arms, or Ammunition be raiſed or levyed, nor any Caſtles, Forts or Magazines delivered up without his Majeſties Authority ſignified by both Houſes of Parliament.

This hopeful Declaration had the misfortune to become only an Abortive; for when it came up to the Houſe of Lords, how prevalent ſoever the Faction was there, yet they were aſhamed to own that for a Child of Parliamentary Authority, which carried ſo many notorious Falſhoods and Calumnies, moſt eaſie to be detected, in the Front of it; and yet this thing which was to be impoſed upon the Nation for ſo great a Truth, was compiled out of 3 or 4 Parcels of the ſame kind of Stuff, but much Coarſer, which were drawn up by the Committees at *Guild-Hall*, and *Grocers-Hall*; and out of which the Committee for this Declaration were, by the appointment of the Houſe, Ordered to frame it; and they accordingly licked thoſe Monſtrous and Deformed Cubbs into this Bear, which begins with the Papiſts, but flies directly at the Throat of his Sacred Majeſty, the beſt Proteſtant in all his Dominions: And this was one of the greateſt Artifices of the Faction to Sail with this Side-wind, as if they intended to fall furiouſly upon the Papiſts; but then to make a ſudden Tack, and pour in all their Broadſides of Calumnies, Plots, and Conſpiracies upon the King himſelf, and the Loyal and Orthodox Proteſtants, whom under the Notion of Malignants, Popiſhly-affected, and Adherents to the Papiſts, they ſtill drew into the Deſigns which they ſaid were laid againſt the Parliament, Kingdom, and the King himſelf, againſt whom the Bolt of their Thunder was always directly levell'd, though the Noiſe and Crack ſounded nothing but Papiſt.

There are two or three Paſſages very remarkable, that I cannot but turn them upon themſelves: For when they charge theſe Plotters and Papiſts, that they had a Deſign, *To make a Diviſion of the Body of this Common-wealth from the Head thereof*, they themſelves it ſeems were in that Deſign, afterwards putting that horrid Plot in Execution, by cutting off, not only in a Political but Literal Senſe, that Illuſtrious Head of their Sovereign, both from his own, and the Body of the Common-wealth. And whereas afterwards they Charge this Malignant Party with a Deſign, *by inteſtine Wars here amongſt our ſelves, to waſt the Wealth and Subſtance, and finally to Annihilate the True Proteſtant Religion, and the whole frame of Government in all his Majeſties Dominions:* There certainly never was in ſo few words ſo true a Character of their own ſubequent Actions; and had they ſitten for their Picture in Miniature to the fam'd *Appelles*, who uſed to boaſt of his Art, that he painted for Eternity, it had been impoſſible for him to draw them more exactly to the life with his Pencil, then in theſe words they have drawn themſelves with their own Ink; the blackneſs of which, though intended for the King and the Loyal Party, will, with, *an Ex ore tuo*, ſtick to their Memories ſo long as there remain any Records of time; and Poſterity will eaſily diſcern who were the Plotters to Subvert the Government, not by the Charge but the Execution: and may from hence draw this ſerviceable Aphoriſm, *That no Perſons are more likely to deſign againſt a Government, or to bring the People into Slavery, then ſuch Subjects as Arraign their Sovereign with Deſigns of Erecting Arbitrary Power, and introducing Popery:* Which were the two main Engines,

gines, by which this Rebellious Faction undermined, and overthrew the beſt Church and Government in the Chriſtian World; and rendred the Freeſt People of *Europe*, the moſt Abject Slaves in Chriſtendom, to the Arbitrary Uſurpations of their fellow Subjects, and Servants, in every thing that Men eſteem valuable, whether Life, Liberty, Fortune, or Religion.

But whether the Lords would conſent or not, the materials out of which this Declaration was drawn, being the reſults of ſeveral Debates of the Committee at *Guild-Hall*, and *Grocers-Hall*, got immediately into the Preſs, and from that Mint of miſchief, flew like Lightning through the Nation, to the intolerable Scandal of his Majeſty. And yet the very chief Aggravation of this Action of his Majeſties, of the Inſolence of the Soldiers, is by one of the News-writers of the Party and Times before mentioned, taken off from the King and his Retinue; *Who*, he ſaith, *demeaned themſelves Civilly*; though this Declaration takes no notice of that: And in truth, who conſiders how ill the Parliament had treated the Soldiers, both during their being in Arms, and after the Diſbanding, will not think it ſtrange, for ſuch a ſort of Men who have *Mars* predominant, ſhould be apt to vent their private Reſentments, againſt thoſe Perſons whom the King had Impeached of Treaſon, and to whom they owed all their Sufferings: But to put this to the King's Score was a Barbarous injuſtice, which none but ſuch Men as had ſhaken hands with all Reſpect as well as Loyalty to the King, could be guilty of. But ſee the Paper it ſelf.

A Declaration of the Houſe of Commons, Touching a late Breach of their Priviledges; And for the Vindication thereof, and of divers Members of the ſaid Houſe.

The Debates at *Guild-hall* and *Grocers-hall* Drawn into a Declaration, concerning Breach of Priviledge, &c. Mr. Glyn Reports from *Guild-hall Jan. 6th.* 1641.

WHereas the Chambers, Studies, and Trunks of Mr. *Denzill Hollis*, Sir *Arthur Haſlerig*, Mr, *John Pym*, Maſter *John Hampden*, and Mr. *William Strode*, Eſquires, Members of the Houſe of Commons, upon Munday the third of this inſtant *January*, by colour of His Majeſties Warrant have been ſealed up by Sir *William Killigrew*, and Sir *William Flemen*, and others, which is not only againſt the Priviledge of *Parliament*, but the common liberty of every Subject: Which ſaid Members afterwards the ſame day were under the like colour, by Serjeant *Francis*, one of His Majeſties Serjeants at Arms, contrary to all former Preſidents demanded of the Speaker ſitting in the Houſe of Commons, to be delivered unto him, that he might Arreſt them of High Treaſon. And whereas, afterwards the next day His Majeſty in His Royal Perſon, came to the ſaid Houſe attended with a great multitude of men armed in warlike manner, with Halberts, Swords and Piſtols, who came to the very door of the Houſe, and placed themſelves there, and in other places, and paſſages neer to the ſaid Houſe, to the great terrour and diſturbance of the members, then ſitting; and according to their duty in a peaceable, and orderly manner, treating of the great affairs of *England* and *Ireland*.

And his Majeſty having placed himſelf in the Speakers Chair, demanded of them the Perſons of the ſaid members to be delivered unto him, which is a high Breach of the Rights, and Priviledges of Parliament, and inconſiſtent with the Liberties, and Freedome thereof. And whereas afterwards His Majeſty did iſſue forth ſeveral warrants to divers Officers under His own hand, for the apprehenſion of the Perſons of the ſaid members, which by Law he cannot do; There being not all this time, any Legal charge or accuſation, or due Proceſs of Law iſſued againſt them, nor any pretence of charge made known to that Houſe; All which are againſt the Fundamental Liberties of the Subject, and the Rights of Parliament. Whereupon we are neceſſitated, according to our duty, to declare; And we doe hereby declare, that if any perſon ſhall arreſt Mr. *Hollis*, Sir

January, 1641.

Sir *Arth. Haſlerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, or any of them, or any other Member of Parliament, by pretence or colour of any Warrant iſſuing out from the King only, is guilty of the Breach of the Liberties of the Subject, and of the Priviledge of Parliament, and a publick enemy to the Common-Wealth. And that the arreſting of the ſaid Members, or any of them, or of any other Member of Parliament, by any Warrant whatſoever, without a Legal Proceeding againſt them, and Without conſent of that Houſe, whereof ſuch Perſon is a Member, is againſt the Liberty of the Subject, and a Breach of Priviledge of Parliament; And the Perſon which ſhall arreſt any of theſe Perſons, or any other Member of the Parliament, is declared a publick Enemy of the Common-Wealth. Notwithſtanding all which we think fit further to declare, That we are ſo far from any endeavours, to protect any of Our Members, that ſhall be in due manner proſecuted according to the Laws of the Kingdom, and the Rights and Priviledges of Parliament for Treaſon, or any other Miſdemeanours, That none ſhall be more ready and willing then we our ſelves to bring them to a ſpeedy, and due tryal, being ſenſible that it equally imports us, as well to ſee juſtice done againſt them that are criminous, as to defend the juſt Rights and Liberties of the Subjects, and Parliament of *England*.

Mr. *Whitloke*'s Reports from *Grocers-Hall Jan.* 8*th.* 1641.

And whereas upon ſeveral examinations taken the ſeventh day of this inſtant *January*, before the Committee appointed by the Houſe of Commons, to ſit in *London*, it did fully appear, that many Souldiers, Papiſt and others, to the number of about 500. came with his Majeſty on *Tueſday* laſt to the ſaid Houſe of Commons, armed with Swords, Piſtols, and other weapons; and diverſe of them preſſed to the door of the ſaid Houſe, thruſt away the door-Keepers, and placed themſelves between the ſaid door; and the ordinary attendants of His Majeſty, holding up their Swords, and ſome holding up their Piſtols ready Cock'd near the ſaid door; and ſaying, I am a good Markſman, I can hit right I warrant you, and they not ſuffering the ſaid door, according to the cuſtom of Parliament to be ſhut, but ſaid they would have the door open, and if any oppoſition were againſt them, they made no queſtion, but they ſhould make their party good, and that they would maintain their party; and when ſeveral members of the Houſe of Commons were coming into the Houſe, their attendants deſiring that room might be made for them, ſome of the ſaid Souldiers anſwered, A Pox of God confound them, and others ſaid, A Pox take the Houſe of Commons, let them come and be hang'd, what a doe is here with the Houſe of Commons? and ſome of the ſaid Souldiers did likewiſe violently aſſault, and by force diſarm ſome of the Attendants, and ſervants of the Members of the Houſe of Commons, waiting in the Room next the ſaid Houſe; and upon the Kings return out of the ſaid Houſe, many of them by wicked oaths, and otherwiſe, expreſſed much diſcontent, that ſome Members of the ſaid Houſe for whom they came, were not there, and others of them ſaid, when comes the word? and no word being given at His Majeſties coming out, they cryed a lane, a lane; afterwards ſome of them being demanded, what they thought the ſaid company intended to have done anſwered, That queſtionleſs in the poſture they were ſet, if the word had bin given, they ſhould have fallen upon the Houſe of Commons, and have cut all their throats. Upon all which we are of opinion, that it is ſufficiently proved, that the coming of the ſaid Souldiers, Papiſts, and others with his Majeſty to the Houſe of Commons on *Tueſday* laſt, being the fourth of this inſtant *January*, in the manner aforeſaid, was to take away ſome of the Members of the ſaid Houſe; and if they ſhould have found oppoſition, or denyal, then to have fallen upon the ſaid Houſe in an hoſtile manner. And we do hereby declare that the ſame was a Traiterous deſign againſt the King and Parliament. And whereas the ſaid Maſter *Hollis*, Sir *Arthur Haſlerigg*, Mr. *Pym*, Mr. *Hampden*, Mr. *Strode*, upon report of the coming of the ſaid Souldiers, Papiſts, and others in the warlike and hoſtile manner aforeſaid, did with the approbation of the Houſe, abſent themſelves from the ſervice of the Houſe, for avoiding the great, and many inconveniencies, which otherwiſe apparently might have hapned: Since which time a printed paper in the form of a Proclamation, bearing date the ſixth day of this inſtant *January*, hath iſſued out for the apprehending, and impriſoning of them, therein ſuggeſting that through the Conſcience of their own guilt, they were abſent and fled, not willing to ſubmit themſelves to juſtice; We do further declare, That the ſaid printed paper is falſe, ſcandalous and illegal, and that notwithſtanding the ſaid printed paper or any Warrant iſſued out, or any other matter yet appearing againſt them or any of them, they may and ought to attend the ſervice of the ſaid Houſe of Commons, and the ſeveral Committees now on foot. And that it is lawful for all perſons whatſoever to lodge, harbour, or converſe with them, or any of them; And whoſoever ſhall be queſtioned for the ſame, ſhall be under the protection and priviledge of *Parliament*.

Mr. Glyn reports from *Grocers-hall Jan.* 10*th.* 1641.

And We do further declare, That the publiſhing of ſeveral Articles purporting a form of a charge of high Treaſon againſt the Lord *Kimbolton*, one of the Members of the Lords Houſe, and againſt the ſaid Mr. *Hollis*, Sir *Arthur Haſlerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, by Sir *William Killigrew*, Sir *William Flemen*, and others in the Innes of Court, and elſewhere in the Kings Name, was a high Breach of the priviledge of Parliament, a great ſcandal to his Majeſty and His Government: A ſeditious Act manifeſtly tending to the ſubverſion of the peace of the Kingdom, and an injury, and diſhonour to the ſaid Members, there being no legal charge or accuſation againſt them.

The priviledges of *Parliament*, and the liberties of the Subject ſo violated and broken, cannot be fully and ſufficiently vindicated, unleſs His *Majeſty* will be graciouſly pleaſed, to diſcover the names of thoſe perſons, who adviſed his *Majeſty* to iſſue out Warrants, for the Sealing of the Chambers and Studies of the ſaid Members, to ſend a Serjeant at Arms to the Houſe of Commons, to demand their ſaid Members, to iſſue out ſeveral Warrants under His *Majeſties* own hand, to apprehend the ſaid Members. His *Majeſties* coming thither, in his own Royal perſon. The publiſhing of the ſaid Articles, and printed paper in the form of a Proclamation againſt the ſaid Members, in ſuch manner as is before declared; To the end that ſuch perſons may receive condign puniſhment.

Voted *Jan.* 17*th.* 1641.

And this Houſe doth further declare, That all ſuch perſons as have given any Counſel, or endeavoured, to ſet or maintain diviſion or diſlike, between the King and Parliament, or have liſted their names, or otherwiſe entred into any combination or agreement to be aiding or aſſiſting, to any ſuch councel or endeavour, or have perſwaded any other ſo to do, or that ſhall do any the things above mentioned; And ſhall not forthwith diſcover the ſame to either Houſe of Parliament: Or the Speaker of either of the ſaid Houſes reſpectively, and diſclaim it, are declared publick enemies of the State, and peace of this Kingdom, and ſhall be inquired of, and proceeded againſt accordingly.

But to proceed. This Morning Sir *Henry Vane*, Sir *Walter Erle*, Sir Sam. *Rolls* and Sir *Simon D'Ewes*, were appointed to examine the Pacquet from *France*, directed to Mr. *Crofts*, which they did, and Reported, *That they found nothing in thoſe Letters of any Conſequence.*

Mr. *Whittacre* alſo Reported, *That he had ſearched the Lodgings of Sir* James Hamilton, *according to the Order yeſterday, but found no Arms there, as was informed.*

Committee to Try Frivolous Informations.

Whereupon, Mr. *Long*, Mr. *Whittaker*, Mr. *Strode*, Sir *Arthur Haſlerig*, Mr. *Cary*, Mr. *Arthur Goodwin*, Sir *John Franklyn*, Mr. *Whitehead*, Sir *John Evelyn*, Mr. *Wheeler*, Sir *John Holland*, Sir *Robert Pye*, Mr. *Glyn*, Mr. *Brown*, Mr. *Reynolds*, and the Citizens for *London*, were appointed to be a Committee, and they or any three of them, to have Power when Informations come to be given to the Houſe, to examine them, and if they find them worth the knowledg of the Houſe, to acquaint the Houſe therewith, and if they find them not of any conſequence, to diſmiſs the Buſineſs and the Parties; and they have power to ſend for Parties, Witneſſes and Writings, and to make ſearches as they ſee Cauſe, and to open Doors, Cheſts or Trunks.

There is nothing can make it more evident, then the appointing this Committee, that theſe People were abundantly ſatisfied and ſenſible, that they were horribly impoſed upon, by frivolous Informations; and yet they were ſo void either of Honor, Honeſty or Conſcience, without due

Examination, to impoſe thoſe falſe Informations upon the Nation, as great Truths, as particularly, the Lord *Digbie's* being at *Kingſton* with 500 armed Men, which made ſuch a noiſe, that the Trained Bands, and *Poſſe Comitatus* were raiſed to diſperſe a Rebellious Aſſembly, of a Coach and ſix Horſes, and the ordinary Retinue of a Nobleman: but this was their Way, and they were not concerned to ſearch for the truth of their Informations, but the Conſequences of them, and whether they would turn to Account, to blacken the King, and inflame the People.

His Majeſty had ſent down Captain *Legg*, to take Charge of the Town of *Hull*, and the Ammunition there, whereupon the Commons, who had before Ordered Sir *John Hotham* to be Governor, a Committee was appointed to conſider of the Bail given to the Serjeant, for any Perſon committed by the Houſe to the Cuſtody of a Serjeant, and to report their Opinion to the Houſe, both concerning the Bail, and Perſons bailed, and upon their Report, It was Ordered, *That thoſe Lords that are Bail for Captain* Legg, *ſhall be moved to bring in Captain* Legg *forthwith, and the Serjeant is to move thoſe Lords accordingly.*

Gunners of the Tower examined by the Commons.

The Officers and Gunners of the Tower having been Summoned to attend the Houſe, and accordingly appearing, it was Ordered, *That Sir* Gilbert Gerrard, *Mr.* Hampden, *Sir* Robert Pye *and Sir* Henry Mildmay, *do Examine the Officers of the Tower now at the Door, what Perſons ſuſpected, have been lately put into the Tower, and to ask them if they will all take the Proteſtation; and to acquaint them, That this Houſe ſent for them in reſpect that they have a good Opinion of them, thinking they might have had occaſion to uſe them, but at this time they have not, and ſo to diſmiſs them.*

Lieutenant of the Tower at the Commons Bar.

The Houſe was then informed, *That the Lieutenant of the Tower Sir* John Byron *was at the Door, who was called in to the Bar, and kneeled there a while, and then riſing again, delivered an humble Petition to the Houſe, which was read,* and it was Ordered, *That the Serjeant ſhould acquaint him, that the Houſe hath read his Petition, and in due time will take it into Conſideration.*

Friday, January, 14.

The Commons having deſired the Lords to joyn with them, in an Order for ſeveral Counties, to raiſe Force to Suppreſs the pretended Army of the Lord *Digby* aſſembled at *Kingſton*, the Lords this Day made a general Order, for ſuppreſſing all Tumults, and unlawful Aſſemblies throughout this whole Kingdom; as follows.

Order for ſuppreſſing Tumults.

W*Hereas Information hath been given to the Parliament, That the Lord* Digby, *Son to the Earl of* Briſtol, *and Colonel* Lunsford, *with others, have gathered Troops of Horſe, and have appeared in warlike Manner at* Kingſton *upon* Thames, *in the County of* Surrey, *where the Magazine of Arms for that part of the County lies, to the Terror and Affright of his Majeſties good Subjects, and diſturbance of the Publick Weal of the Kingdom, It is this Day ordered by the Lords and Commons in Parliament, That the Sheriffs of the ſeveral Counties of* England *and* Wales, *calling to their Aſſiſtance the Juſtices of the Peace, and the Trained Bands of the ſeveral Counties, or ſo many of them, as ſhall be neceſſary for the Service, ſhall ſuppreſs all unlawful Aſſemblies gathered together, to the Diſturbance of the Publick Peace of the Kingdom, in their ſeveral Counties reſpectively, and that they take Care to ſecure the ſaid Counties, and all the Magazins in them.*

January, 1641.

And it was Ordered to be Printed and Publiſhed in all Market Towns in the Kingdom.

Meſſage concerning the Prince and the Marquiſs of *Hertford*.

A Meſſage was then brought up from the Commons, by Sir *Gilbert Gerrard* to deſire their Lordſhips, *To joyn with the Houſe of Commons, to injoyn the Marquiſs of* Hertford, *appointed by his Majeſty to be Governor to the Prince, as he will anſwer the Breach of that Truſt, that doth ſo immediately concern the preſent and future Peace and Safety of the three Kingdoms, forthwith to repair to the Prince, and according to the Duty of his Place, to take care of him, and to give his Perſonal Attendance on his Highneſs, and to be very watchful to prevent, that he be not carried out of the Kingdom.* And the Houſe of Commons do further declare, and deſires the Lords will do the like, *That whatſoever Perſon ſhall be adviſing, or aſſiſtant to the conveying of the Prince out of the Kingdom, or attend his Highneſs in his Journey, ſhall be declared and reputed a Publick Enemy to the Proteſtant Religion, and the Peace and Safety of the three Kingdoms. And that the Lords be likewiſe moved to joyn with the Houſe of Commons, in an humble Deſire to his Majeſty, That he will not for any Cauſe whatſoever, permit the Prince to be carried out of the Kingdom, without the humble Advice and Conſent of Parliament.*

Thereupon, It was Ordered, *That this Houſe agrees with the Houſe of Commons, in all the aforeſaid Particulars, and will joyn with them in the whole, as is deſired,*

And this Vote was drawn into an Order, and the Marquiſs of *Hertford* ordered to acquaint the King with it.

The Lord Marquiſs of *Hertford* being in the Houſe, gave their Lordſhips this Account, *That when the King went to* Hampton-Court, *he demanded the Prince of him, and took him away with him in his Coach in the Afternoon, and his Majeſty commanded his Lordſhip to ſtay here; his Lordſhip therefore deſired this Houſe would require no more of him, then he is able to perform, and as far as in him lay, he would obey their Lordſhips Command to attend the Prince, and if there be cauſe of Fear, as the Parliament Apprehends, he will give Advice thereof to the Parliament.*

Dutch Ambaſſador deſired to order the States Ships to ſtay Ships at *Dunkirk* going for *Ireland*.

Then the Earl of *Bath* Reported, *That he had been with the States Ambaſſador, to deſire him, That he would give preſent Order to the States Ships that lie before* Dunkirk, *and other Ports of* Flanders, *for the ſtaying of all Ships, as are laden with Arms, Ammunition or Proviſions, and bound for the Relief and Aſſiſtance of the Rebels of* Ireland. *The Ambaſſador ſaith he had alrerdy received Intimation from the Committee of the Houſe of Commons to this purpoſe, and accordingly hath ſent Order to their General* Van Trompe, *but he deſires he may have the deſires of the Parliament in Writing, that upon all Occaſions he may know the better what to do therein.*

A Meſſage was brought up from the Houſe of Commons, to deſire *that their Lordſhips would proceed upon the Bill depending before them, for taking away the Votes of the Biſhops out of their Houſe, and diſ-inabling all perſons in Holy Orders for Exerciſing any Temporal Juriſdiction or Authority.* To which the anſwer was returned, *That the Houſe will proceed therein with Convenient Expedition.*

Declaration for putting the Kingdom into a poſture of Defence, rejected by the Lords

After this, the Declaration brought up Yeſterday from the Houſe of Commons, concerning the putting of the Kingdom into a Poſture of Defence, was taken into Conſideration, and the Houſe was adjourned into a Committee during Pleaſure, to debate the Preamble of it; and after

January, 1641.

much Debate, the Houſe was reſumed, and the Queſtion was put, *Whether that the Narrative in this Declaration ſhall be referred to a Committee, to be ſo penned, as that it may appear to be the Narrative onely of the Houſe of Commons, and thereupon to be ſo publiſhed*; But it was Reſolved by the Major part Negatively. Whereupon their Lordſhips reſolved to have a Conference to morrow with the Houſe of Commons to hear the Reaſons that induced them to make this Narrative in this Declaration.

Then the Lord Keeper ſignified to the Houſe, *That he had now received a Letter from the King, with a Meſſage, which his Majeſty hath commanded him to deliver preſently to both Houſes of Parliament.* The King's Letter was then read, in theſe Words.

The King's Letter to the L.Keeper with a Meſſage to both Houſes, *Jan.* 14.1641.

My Lord Keeper,

THis is to Command you, to deliver that which is contained within this incloſed Paper, as a Meſſage from Me, to both Houſes, and that inſtantly without delay; And ſo I reſt

Your Aſſured Friend
Windſor, Jan. 14. 1641.
Charles R.

The Meſſage was as followeth.

HIs Majeſty being no leſs tender of the Privileges of Parliament, and thinking himſelf no leſs concerned, that they be not broken, and that they be aſſerted and vindicated whenſoever they are ſo, then the Parliament it ſelf, hath thought fit to add to his laſt Meſſage, this Profeſſion; That in all his Proceedings againſt the Lord Kymbolton, *Mr.* Hollis, *Sir* Arthur Haſlerigg, *Mr.* Pym, *Mr.* Hampden *and Mr.* Strode, *he had never the leaſt Intention, of Violating the leaſt Privilege of Parliament, and in caſe any doubt of Privileges remain, will be willing to clear that, and aſſert thoſe, by any reaſonable Way, that His Parliament ſhall adviſe him to; Upon Confidence of which, He no way doubts, His Parliament will forthwith lay by all Jealouſies, and apply themſelves to the Publick and Preſſing Affairs, and eſpecially to thoſe of* Ireland, *wherein the Good of this Kingdom, and the true Religion, which ſhall ever be his Majeſties firſt Care, are ſo highly, and ſo nearly concerned: And his Majeſty aſſures himſelf, that his Care of their Privileges, will increaſe their tenderneſs of his lawful Prerogative, which are ſo neceſſary to the mutual Defence of each other, and both which will be the Foundation of a perpetual perfect Intelligence between his Majeſty and Parliament, an dof the Happyneſs and Proſperity of His People.*

Hereupon he ſent Juſtice *Foſter* and Juſtice *Mallet* to deſire a Conference with them concerning this Meſſage from the King.

Thus did this Admirable Prince by continual and repeated endeavors ſeek to bring the differences between him and the Parliament to a happy compoſure, but without any Effect; for the Heads of the Faction whom he had accuſed, and many others who were of the Confederacy, were too well acquainted with their own Guilt, to truſt to a Fair and Legal Trial, and could not think themſelves in any condition of Security ſo long as the King was undeveſted of his Royal Authority, and in a capacity by being poſſeſſed of the Sword of Power, to turn the Sword of

Law and Juſtice againſt ſuch high Criminals, as had been the contrivers and fomenters of all the Troubles and Diſorders in the two Kingdoms.

Order to ſearch the Lady *River's* Houſe for Arms.

In the Houſe of Commons an Order was iſſued to the High Sheriff of *Suffolk*, calling to his Aſſiſtance Sir *William Spring*, Mr. *Maurice Barrow*, or either of them to his aſſiſtance, to ſearch the Houſe of the Lady *Rivers*, and to ſeize what Arms they ſhall find there, and put them in ſafe Cuſtody.

Order to ſearch for Arms at *Oxon.*

Another Order was iſſued to the Vice-Chancellor of *Oxon*, the Major, and Sir *Nathaniel Brent* Alderman of that City, or any two of them, to ſearch the Houſes of Mr. *Green*, Mr. *Napier*, at the *Starr*, and Mr. *Williams*, and any other ſuſpected Place, for Arms, and take good Order to remove them, and put them in ſafe Cuſtody, and ſhall likewiſe ſeize the Perſons of ſuch Recuſants, as ſhall reſort to either of theſe Places, or any other Houſe or Place within the Univerſity, or City of *Oxon*.

It was alſo Ordered, *That a Meſſenger be ſent Poſt on purpoſe to* Portſmouth, *with the Ordinance of both Houſes, and this Houſe undertakes to ſee the Meſſenger paid.*

Bagſhaw of *Windſor* an Informer.

Then Mr. *Bagſhaw* of *Windſor* was called in and did inform the Houſe, *That the laſt Night as he went to* Windſor, *he ſaw divers Troops of Horſe, That there came a Waggon loaden with Ammunition laſt Night to* Windſor.

That there was another Waggon, that went away from Windſor *to* Farnham.

That there was a Meſſenger gone to Portſmouth.

That he was informed, there were about 400 *Horſe in the Town, and about ſome forty Officers.* Whereupon Mr. *Arthur Goodwin* was ſent to deſire the Lords to ſit a while, in regard this Houſe doth believe they ſhall have Occaſion to come up to them, with ſome Matters of great Importance. And preſently after Sir *Edward Hungerford* went up to the Lords to deſire a Conference touching the Peace and Safety of the Kingdom.

Skippon ordered to ſend out Scouts by Land and Water.

And upon this Information, which was of the ſame Stamp with the other about *Kingſton*, it was Ordered, *That Serjeant Major General* Skippon *do take Care, That ten Horſemen be forthwith appointed to go as Scouts from time to time, to bring Intelligence, if any Forces do approach near the City, and this Houſe will undertake that they ſhall be ſatisfied: and alſo to take care for the appointing of ſuch Boats, or ſmall Veſſels, as ſhall be neceſſary by Water for the Service aforeſaid, and the Houſe will take care Satisfaction alſo be given to thoſe ſo imployed.*

It is impoſſible to enter into the Head of any Man of Senſe, that the Faction was under any real Fears from this Information; but there is another ſort of Fear, a Politick Fear, which was by theſe preparations of Scouts by Land and Water, to perſwade the City, that the Parliament had diſcovered ſome huge Plot againſt them, which they were ſo ſolicitous to prevent, for had the Information been true, as in probability it was very falſe, ſince *Bagſhaw* does not affirm it of his own Knowledg, but by a ſecond-hand Information, which he had met with, what occaſion of Fear could 400 Men give to the City of *London*, or to the Parliament, the Houſe of Commons being able to have given Battle to ſuch a Number, if they ſhould have had any Deſign againſt them, as they indeavoured to make the City and the whole Nation believe?

January, 1641.

But the Faction had a very particular Service for theſe ſtrange Rumors, which they ſo induſtriouſly fomented and magnified; and that was by the help of theſe imaginary Dangers to wreſt the Sword of the Militia out of His Majeſties hands, for unleſs they had the management of it, they nor the Kingdom, as they made the People believe, could not be in any condition of Safty: And in order to this

Committee for putting the Kingdom into a poſture of defence.

Mr. *Pierpoint,* Mr. *Sollicitor* Mr. *Glyn,*
Sir *Richard Cave,* Sir *Philip Stapleton,* Sir *H. Vane,*
Mr. *Hollis,* and Mr. Chancellor of the *Exchequer.*

were appointed to be a Committee to conſider of ſome Heads, and preſent them to the Houſe to morrow morning, for putting the Kingdom into a Poſture of Defence.

Then his Majeſties Anſwer to the deſires of the Commons, concerning Arms for *Ireland*, was read as followeth.

His Majeſties Anſwer to the Commons concerning Arms out of the Stores for Ireland.

H*IS Majeſty having conſidered of the Meſſage delivered to him from the Houſe of Commons of the 12th of this preſent Month, whereby it is deſired, that he ſhould give a general Warrant for delivery of Arms and Ammunition for the Service of* Ireland, *returneth this Anſwer, That as His Majeſty hath been very careful to contribute all that poſſibly he could, for furniſhing Proviſions for the Relief of* Ireland, *ſo he ſhall be ready to give Warrants immediately from time to time, for any particulars that ſhall be thought fit by his Parliament, to be ſent out of his Stores for that Service; and for the preſent hath given Warrant for the delivering 1500 Muskets, with all things to them belonging; and 500 Pikes and Corſlets; and 2000 Swords, out of his Tower of* London; *and Arms for 500 Horſe out o the Magazine of* Hull.

Saturday, January 15.

The Earl of *Newport* this day ſignified to the Houſe, *That he had received Warrants from the King to Tranſport the Arms and Ammunition deſired for* Ulſter, *only he wants Money and Ships to convey them.*

Lord Keeper Reports the Conference concerning the Lieutenant of the Tower.

A Conference was had between the Lords and Commons concerning the Lieutenant of the Tower, which the Lord Keeper thus Reported, *That the Houſe of Commons conceive the Tower of* London *to be a Place of that great Importance, that they do renew a former Motion, that their Lordſhips would joyn with them humbly to Petition the King, that the Lieutenant now in may be removed, and ſuch a Perſon put in, as the King, Parliament, and City may confide in.*

The Parliament confides not in Sir John Byron, *becauſe he hath been diſobedient, and hath refuſed to come upon the Summons of both Houſes of Parliament; not that they ſpeak this as deſiring it may be a cauſe of Puniſhment upon him, but as a ground of diſtruſt.*

The City ſays, Though the Lieutenant may be a worthy Gentleman, otherwiſe, yet he is a Man unknown to them, which already cauſes ill Effects, for Merchants begin to take away their Bullion out of the Mint, and write Letters to their Factors to ſend no more: And at the preſent there is a Ship come laden very richly with Bullion, but the Owners do forbear to bring it into the Mint, becauſe they cannot confide in the Lieutenant of the Tower.

This concerns the City and Trade exceedingly, for it is a Charge to the City to maintain a Guard about the Tower, therfore the Houſe of

Commons deſires their Lordſhips to join with them in an humble Petition to his Majeſty, That Sir John Byron *now Lieutenant of the Tower may be removed, and that Sir* John Conyers *may be recommended to his Majeſty for that Place.*

But before the Houſe of Lords would give any Reſolution herein, it was Ordered, *That the Common-Council of the City of* London, *the Merchants that have Eſtates in Bullion, the Minters, and all others concerned, ſhall be inquired of, whether there be a ſtay of the Mint, or any forbearance of bringing in of Bullion into the Tower of* London; *and if there be, whether it proceeds in reſpect of Sir* John Byron*'s being Lieutenant of the Tower, and hereof ſpeedy Certificate to be made to the Lords in Parliament.*

A Meſſage was then brought from the Houſe of Commons by *Denzil Hollis* Eſquire.

(1.) *He brought up the Bill for the Relief of his Majeſties diſtreſſed Subjects of* Ireland.

(2.) *To deſire the Lords to join with them in an Ordinance to ſecure* 50000 l. *borrowed of the Merchant Adventurers for the Affairs of* Ireland.

(3.) *To move the King to concur with both Houſes in the Order made, giving Power to Sir* John Hotham *for ſecuring the Town of* Hull, *and the Magazine there for his Majeſties Service.* To which the Anſwer was, *That their Lordſhips will take the particulars into Conſideration this Afternoon.*

The Ordinance for ſecuring the ſaid Merchant Adventurers was read in theſe words.

Ordinance of the Lords and Commons for ſecuring the Merchant Adventurers 50000 *l.*

THe Lords and Commons in this preſent Parliament Aſſembled, having a due Regard to the good Affections of the Governors, Aſſiſtants and Fellowſhip of Merchant Adventurers of England, *expreſſed in the preſent advancing and lending of* 30000 l. *of Lawful Money, and forwardneſs to advance and lend the foreſaid Sum of* 20000 l. *more of like Money, if their Affairs will admit the ſame, for the ſecurity of this Common-wealth, in the ſupply of the preſent Affairs in* Ireland, *which the ſaid Lords and Commons do take in very good part, and being reſolved to make a full and juſt ſatisfaction for the ſame, do hereby declare that the ſaid Sum of* 30000 l. *and ſuch Sum and Sums as they ſhall further advance and lend as aforeſaid, ſhall be fully ſatisfied and paid unto the ſaid Company of Merchant Adventurers, into the hands of their Treaſurer for the time being, with Intereſt, after the Rate of* 8 l. per cent. *for a Year, out of ſuch Moneys as ſhall be next raiſed by Authority of Parliament.*

To which Ordinance the Lords agreed.

The Act for the Captives at *Argiers*, and for preſſing Marriners paſſed by Commiſſion.

Then the Lord Keeper informed the Houſe, *That the Commiſſion was come ſigned by his Majeſty, for giving the Royal Aſſent to two Bills; one for preſſing of Marriners; the other againſt Pyrates.* Then the Lord Keeper, the Lord Great Chamberlain, and the Earl of *Cumberland*, three of the Commiſſioners being ſate upon a Form ſet a-croſs the Houſe, between the Chair of State, and the Lord Keeper's Wool-ſack, the Gentleman-Uſher of the *Black-Rod*, was commanded to go for the Houſe of Commons; who being come with their Speaker, the Lord Keeper acquainted the Lords and Commons, *That his Majeſty having ſuch occaſions, as he could not come to this Houſe, to give his Royal Aſſent to the*

January, 1641.

Two Bills, in Perſon, hath given a Commiſſion under the Great Seal of England; the Contents whereof was read openly; which being done, the Clerk of the Crown was commanded to read the Titles of the Bills ſeverally *in hæc verba, viz.*

An Act for the freeing of the Captives of Argier, *and to prevent the taking of others.*

An Act for preſſing of Marriners and Soldiers, for the preſent Guarding of the Seas, and the defence of his Majeſties Dominions.

Which being done, the Clerk of the Parliament pronounced the Royal Aſſent to them particularly, and ſeverally in theſe Words,

Le Roy le Veult.

And then the Commons returned to their Houſe.

The L. Keeper's Report of the Conference concerning *Bagſhaw's* Information.

After this the Lord Keeper Reported the Conference yeſterday to this Effect, *That the Houſe of Commons received Information concerning divers Forces of Horſes and Armed Men in a Warlike manner, which have been ſeen at* Kingſton, *and afterwards at* Windſor, *and now gone towards* Farnham; *and that Yeſterday about* 100 *Men were met going from* London *towards* Windſor, *Armed with Piſtols; and Waggons were going towards* Windſor, *laden with Ammunition: The Houſe of Commons ſay, this causeth much wonder at this time, all at Peace, and a Parliament ſitting, that ſuch Forces ſhould be Levied; therefore they deſire that it may be declared by both Houſes, That whoſoever ſhall raiſe Forces at this time without Conſent in Parliament, may be eſteemed Enemies and Diſturbers of the Peace of the Kingdom, and that both Houſes will take care to ſuppreſs them; and likewiſe the Houſe of Commons deſire, That a Meſſage be ſent to the King to this purpoſe, and to acquaint his Majeſty, that both Houſes of Parliament will be very careful of the Publick Peace; and that they hold it againſt the Law, any Forces ſhould be ſo levied: And further the Houſe of Commons acquaints their Lordſhips, That the Lord* Digby *hath been with the Soldiers at* Kingſton, *and given them thanks in the King's Name, and told them, That his Majeſty came out of* London *to keep them from being trampled in the dirt; therefore they deſire that the Lord* Digby *may be ſummoned to attend this Houſe forthwith.*

Order to Summon the Lord *Digby* to attend the Houſe of Lords.

Hereupon it was Ordered, *That the Lord* George Digby *ſhall be Summoned forthwith to attend this Houſe as a Peer of this Realm, and hereof he is not to fail.*

Directed to the Gentleman-Uſher attending the Houſe of Peers.

It will be worth the Readers while to caſt his Eye a little back, upon the Information of *Bagſhaw* of *Windſor*; upon which Foundation all this Conference was built; and as there is little doubt but *Bagſhaw* ſaw double, ſo the Commons looked through their uſual Multiplying Glaſs, and ſaw his ſingle Waggon of Ammunition, turned into Waggons; and thoſe few Soldiers, which he only by Report heard to be at *Windſor*, were Multiplied into an Army: But they had a Deſign now behind the Curtain, of ſeizing the Militia into their Hands, either with, or againſt the King's Conſent; to which this noiſe of raiſing Forces by the Lord *Digby*, was to contribute, by heightning and ſwelling the Peoples Fears and Jealouſies, throughout the Nation, in order to ſmooth their Way to this great Deſign, upon which theſe Criminals of the Faction built their own Security, though they pretended the Safety of the Nation.

But that I may give all the light I can poſſibly into this Affair, which filled the City and Nation with Terror and Amazement, I will preſent the Reader with the Lord *Digby*'s Apology; which beſides the clear account it gives of this *Kingſton* Army, will alſo let in ſome light into other dark and obſcure paſſages both before and after this time; and will ſet the Arts and Intrigues of the prevailing Faction in ſuch a light as will plainly diſcover their Ambition, Cruelty and Revenge: The Paper ſpeaks this Language.

The Lord *Digbi*'s Apology giving an Account of the matter of *Kingſton*, &c.

IT may be wondred at, that, after well nigh a Years groaning under the moſt inſupportable Burthen of Publick Diſpleaſure, and Cenſure, I ſhould now conſider my ſelf ſo much, as, in a general Calamity, to make an Apology to the World; or ſhould hope, that at a time when ſo great clouds of Jealouſie and diſeſteem hang over perſons of the moſt clear, and unblemiſhed Reputations, any thing I can ſay may reconcile me to thoſe affections, which have been tranſported with ſo much violence to my prejudice. But whoſoever knoweth me well, and the great trouble of mind I indured when I found my ſelf (by what demerit, God is my judge, I cannot gueſs) fallen from that proportion of eſteem with my Country (of which I was prouder then I can be of any worldly preferment) into ſo eminent a degree of diſfavour with the repreſentative body thereof (upon whoſe wiſdom and Authority no man hath looked with more reverence, and veneration) that I was marked out as an Enemy to the Common-Wealth, I am ſure cannot but expect from me ſome diſcovery of that ſence, and that I ſhould, at leaſt endeavour to diſtinguiſh my misfortunes from my faults, whereby ſuch, who are not engaged in a peremptory uncharitableneſs, may find cauſe to change the Opinion they have taken upon truſt of me.

Nor am I out of hope, that the experience men have ſince had of the times inclination to calumny, by the declining of ſo many perſons of Honour, and integrity in the popular eſtimation, may at the laſt, open a way to ſo much juſtice and ingenuity on my behalf, that all men may diſcern in their own right, that if they ſhall ſo credulouſly conſent, upon general diſcourſes, to ſacrifice a third mans Honour, and Reputation, they ſhall open a door to let in ruine to themſelves, and may quickly loſe the advantage of their own innocence.

I ſhall begin my unfortunate ſtory from the beginning of this Parliament; reflecting no further back upon the precedent, then in a remembrance of the great comfort I then receiv'd in my Countries acceptation of my firſt attempts in its ſervice, at a time, as ſome were pleaſed to expreſs it, when the Court was at the higheſt, whether to work upon mens ambitions, or fears. Before that time I am ſure I was as unacquainted with Action, as with Envy, having kept more company with books, then with men; and being ſo well content with that ſociety, that I had as little ambition, as merit to improve my condition. To this Parliament I was ſent on the behalf of the Countrey wherein I lived, and truly, if I brought any paſſion or affection thither with me, it was my former warmth improved againſt thoſe preſſures, and the perſons who begot thoſe preſſures, which were grievous to the people, and againſt theſe I will without vanity ſay, that I brought as great a reſolution to diſcharge my conſcience and my duty, as any man in that Aſſembly, and had the happineſs for ſome Months, to receive that teſtimony. My converſation was, and I made or indeavoured to make my friendſhips, with thoſe, whoſe experience, and abilities, were moſt eminent for the publick ſervice, and to the reputation and authority of theſe men, I confeſs, for a while, I gave my ſelf up with as much ſubmiſſion, as a man could without reſigning the uſe of his own underſtanding. In any thing that was neceſſary, or but probably pretended to be neceſſary, for the Common-Wealth, we never differed in the leaſt degree; but in improve-

Jaunary 1641.

ments, in real alterations, which were to be govern'd by prudential motives, we were not always of one mind. And whoſoever remembreth the paſſages of that time, muſt call to mind, that the firſt declination I ſuffer'd from the intereſt I ſeem'd to have, was in the buſineſs of the Church: In which having had frequent conſultations with the chiefeſt Agents for a Reformation, and finding no three men to agree upon what they would have in the place of that they all reſolv'd to remove, I agreed not with the prevailing ſenſe, having not hardineſs enough to incline to a mutation, which would evidently have ſo great an influence upon the peace, proſperity, and intereſt of the whole Kingdom. And thus, from the firſt debate of Epiſcopacy, upon the *London* Petition, all men obſerv'd the date of my unmerited favour began to expire. Then came on the Tryal of the Earl of *Strafford*, in the which I muſt ſay, I failed not of my duty in proving the charge and evidence, before thoſe who were to judge of both. In the diſcharging of that duty, it was my fortune, by the unlucky acception of ſome expreſſions of mine, to draw upon me a ſharp malignity from ſome perſons of much intereſt in the Houſe, which never failed to manifeſt it ſelf, after that accident, upon every the leaſt occaſion.

About this time, I was told by a Friend, that I loſt much of my credit by being obſerv'd to be ſo much at Court; I replyed, that I had not then the ſame juſtice with other men, who were there more then I, though they avowed it leſs; that it was a principal joy to me, to ſee thoſe perſons, who had been the prime Actors in the happy Reformation of this Parliament, ſo acceptable at Court, and likely to have ſo great a ſhare in the chief places there, and the conduct of affairs for the future. That ſince it had pleaſed His Majeſty to give ſo Plenary a Redreſs to all the grievances of His Subjects, and to ſecure them for ever from the like invaſions, by ſuch a Wall of braſs as the Triennial Bill, I conceived that thence forward, there was no more to be thought on, but how ~~in~~ a grateful return to His Majeſty to advance his Honour, and Plenty, according as before ſuch happy ſettlements, I had often heard thoſe principal intendents of the publick good moſt ſolemnly profeſs, and conſequently, that the Court, and Countrey were, in truth, now to be all of a piece, and there would hereafter be no more cauſe of jealouſie between them: Laſtly, that, howſoever, I thought my ſelf as likely to do good there, as to receive hurt.

The firſt Evidence I had of the diſfavour of the Houſe of Commons, (where I had ſerved with all faithfulneſs, diligence, and humility,) was upon the printing of my Speech to the Bill of Attainder of the Earl of *Strafford*. As for the Good-Fridays Exerciſe which the delivery of it in the Houſe procur'd me, I reputed that a moſt comfortable and eminent teſtimony of the continuance ſtill of much juſtice and favour towards me in that Honourable Houſe; ſince, after a dozen diſtinct charges upon the ſeveral paſſages of that Speech, urged againſt me with great ſtrictneſs and acrimony, by that number of the moſt eminent perſons there, both in abilities and intereſts; and at a time when certainly moſt men of my opinion were at their Devotions, they were not able after four hours debate to expoſe me, either upon the main matter, or upon the by unto the leaſt reprehenſion.

For the thing it ſelf, I will ſay no more of it, but that it hapned to be upon a very unpopular argument; but the cauſe and circumſtance of the printing it, was this.

I did not find only that it was unfaithfully reported, and uncharitably interpreted, but was inform'd, that Copies went abroad of it ſo falſly, and maliciouſly collected, as made the whole Speech a juſtification of my Lord of *Straffords* innocence; and Sir *Lewis Dives* having heard of ſuch a Copy in the Houſe of a Citizen of good quality, where he heard me mentioned as a perſon fit to have his name fixt upon poſts, that I might be torn in pieces by the people; upon that Reaſon earneſtly deſired me to give him a true Copy of what I had ſaid in that Argument, which I did, and he forthwith gave direction for the printing it, without any privity of mine. Yet, if I had conſented to it, and directed it, I profeſs, I ſhould little have imagin'd, that (at a time when there was ſuch an univerſal licence taken to Print every thing, of how great irreverence ſoever,) either to Church or State, with Impunity, a Speech made in the Houſe of Commons, a Speech ſo narrowly, and ſeverely ſifted, and examined

January, 1641.

ned there, and yet let paſs without the leaſt cenſure, either on the Speech it ſelf, or the Author; that the Printing of ſuch a Speech ſhould riſe to ſo high a nature, as to make me for ever uncapable of any Honour or Employment in the Common-Wealth, I profeſs could hardly have faln within my Reaſon or fears to ſuſpect. And yet 3 months after the fact committed, after the Printing of an 100 Speeches more by other men, after my having ſeveral times ſued, and preſſed for a hearing, whilſt I was of the Houſe of Commons; after by his Majeſties favour I had ſate ſix or ſeven weeks a Member of the Houſe of Peers, after all this, no leſs a Judgment (as far as the Vote of the Houſe of Commons could contribute to it) paſſed upon me unheard, over and above the ſhame of having the Speech it ſelf burned by the hand of the Hangman. How I bore this affliction, with what anxiety of mind to my ſelf, with what temper and ſubmiſſion to that Honourable Aſſembly, from whence the blow came, as many of my near friends can teſtifie the firſt; ſo the envy, or malice of no man, can reaſonably and juſtly tax me, as unto the other. How other young men, upon no greater a ſtock of innocence then mine, might have ſuffered themſelves to be tranſported upon ſuch misfortunes (not to give them any other term) I leave to thoſe to judge, who have not been ſo long brought up in the School of affliction.

As this cenſure fell upon me for many Moneths after the fault objected, ſo it reſted within thoſe Walls where it begun without ever deſiring a concurrence from that Court, where I was only to be judged, and where I could only anſwer for my ſelf, and hope for a vindication; which increaſed my ſufferings to an unſpeakable height, that I could by no means clear my ſelf in the place where I received the wound, nor could take notice of it where I might be cleared by my Peers, for fear of breach of Priviledge of Parliament; Though my cenſure were known to all the Kingdome, yea, I may ſay to my infamy in print with forreign Nations.

Under this weight (enough to have broken a Body, and a Mind better prepared for theſe Exerciſes then mine) I ſuffered till the Rudeneſs and Violence of that Rabble, drave both their Majeſties, for the Safety of themſelves and their Children, to *Hampton-Court*, whither by Command I attended them. In this ſhort Journey many Soldiers and Commanders (who had Aſſembled themſelves, joyntly to ſolicite the Payment of their Arrears for the late Northern Expedition, from the two Houſes of Parliament) waited on their Majeſties, and leaving them at *Hampton-Court*, provided their own Accommodations at *Kingſton*, the next Place of Receipt, and ſtill ſo uſed for the over-plus of company, which the Court it ſelf could not entertain. To theſe Gentlemen, of whom few or none were of my Acquaintance; and to this Place was I ſent by his Majeſty, with ſome Expreſſions of his Majeſties good Acceptance of their Service, and returning the ſame Night to *Hampton-Court*, continued my attendance to *Windſor*, whither their Majeſties then repaired. I had not been there one Day, when I heard that both Houſes of Parliament were informed, that I and Colonel *Lunsford*, a Perſon with whom I never exchanged twenty Words in my Life, had appeared in a Warlike manner at *Kingſton*, to the Terror of the King's Liege People; and thereupon had Ordered, That the Sheriff of *Surrey*, and as I conceive, that all other Sheriffs throughout *England*, ſhould raiſe the Power of their ſeveral Counties, to ſuppreſs the Forces, that he and I had Levyed.

When firſt this news was brought me, I could not but ſlight it, as a ridiculous Rumour; for being moſt certain that I had never been at *Kingſton*, but only upon that Meſſage of the King's, to forty or fifty Gentlemen, totally Strangers to me, with whom I ſtayed not the ſpace of half an Hour at moſt, and in no other Equipage, then a Coach and ſix hired Horſes, with one ſingle Man in the Coach with me, and one Servant riding by: I thought it utterly impoſſible for the moſt Romancy it ſelf, at ſo neer a diſtance, to raiſe out of that, any ſerious matter of Scandal, or perjudice upon me. But when ſoon after, I received from ſome of my Friends, not only a Confirmation of that ſeeming Impoſſibility, but a particular Accompt of the manner of it: How ſome Information concerning me at *Kingſton*, had been referred to the Examination of a Committee of my ſharpeſt Enemies; how the ſix Coach Horſes I appeared with there, were turned by them into ſix ſcore Horſes; and that Miſtake, I know not by what prevalence of my Unhappineſs, or of my Enemies Credit, not ſuffered to be rectified by other Witneſſes there, who affirmed the Truth: Finding my ſelf in this ſad Condition, but twenty Miles off, and not knowing how the People in other Places might be terrified, if reports concerning me ſhould ſpread, but in a proportionable Rate, to remoter Diſtances, they being now derivable from ſuch conſiderable Authors, I muſt confeſs, I then began to look upon my ſelf, as a Perſon of that rare Misfortune, that my Reputation would not weigh down the moſt improbable, or impoſſible Accuſation, but fit to receive any Imputation of Guilt, the moſt miſchievous or malitious Inſtrument of Calumny could invent. And in this Condition, with no other Diſcontent, then not believing my Self much indebted to the World for good Uſage, I procured his Majeſties Licenſe, to Tranſport a Perſon of ſo great Inconvenience and Danger, out of his Dominions into another Countrey; and with all poſſible Speed removed my ſelf into *Holland*, never ſuſpecting that my Guilt would increaſe with my Abſence, in the retired private Life, which I had reſolved of, and did according to that Reſolution, lead beyond Sea; having the Vanity of ſome Hope, that a little time diſcovering the falſhood of ſome things believed of me, would take away the Inconvenience of other things that were but unworthily ſuſpected. Some Weeks I reſted there without any new hurt, till the falſhood of a Perſon, to whoſe truſt I committed a Packet, brought it to a Hand well contented with any Occaſion to ſatisfy his own particular private Malice, and Revenge upon me; and ſo my Letters, one to the Queens Majeſty, and the other to my Brother, Sir *Lewis Dives*, were publickly brought to be read in both Houſes of Parliament; from thence new Arguments of Guilt are ſo far inforced againſt me, and the former Diſpleaſure revived and heightned to ſuch a pitch, that at the ſame time I heard of the Interception of my Letters, I found my ſelf accuſed of High Treaſon too, and that for Levying War againſt the King, a Crime certainly that of all other, I could leaſt ſuſpect my ſelf guilty of. And to ſay the Truth, it came into my Charge but by Accident; for being in general charged of High Treaſon, and the Impeachment in particular, bearing only, That I had appeared in Warlike manner, to the Terror of the King's Subjects; a Queſtion was raiſed by a Lord or two, learned in the Law, Whether that Accuſation would amount to Treaſon, or no, and ſo lieve was deſired to amend the Charge, which being granted, to make ſure Work, by the Statute of 25 *Ed.* 3. it was put in, that I had Levied War againſt the King. If I were Guilty, or ſuſpected of ſo lewd a Crime, how it came to ſleep ſo long, or if not, how theſe Letters (wherein upon an unpartial Survey, there will not be found ſo much as an Opinion, as unto Peace or War) could miniſter Occaſion for a Charge of my Levying War againſt the King, I leave to equal Conſideration. I am far from Cenſuring or diſputing the Reſolution, or Opinion of both, or either Houſe of Parliament; no Man receives a Stroke from thence, with more Submiſſion and Humility, and the great Reverence I bear to it, hath made ſuch an Impreſſion in me, that the weight of their Diſpleaſure, hath added many years to me; but in ſo neer a a concernment of my Life and my Honor, that grave Aſſembly may give me lieve, without preſuming to think their Judgments unjuſt, to ſay, their Evidence may be untrue, and the Perſons truſted by them not ſo full of Honor, Ingenuity or Integrity, ſo free from Paſſion, Malice, Intereſt or Affection, as they are thought. It will be no Preſumption or Diſreſpect to that great Councel to ſay, that I have many Enemies, who have uſed all the ill Arts, their Wit or Malice could ſuggeſt, to bring this Affliction upon me, and have not in whiſpers, or in the dark publiſhed their Reſolution to deſtroy me: witneſs the known tampering with very many Perſons, both by Threats and Promiſes, to accuſe me; their creating and cheriſhing ſuch monſtrous Untruths of my treating with the *Danes*, and other Foreign Power, of a great Treaſon of mine plotted, and diſcovered at *Sherburne*, with mighty Warlike Preparations there: of my being at the Head of the Rebels in *Ireland*, and the like; to make me odious to the People, to whoſe rage and violence they have often indeavoured to give me up a Sacrifice; the deep ſenſe I have of my Affliction and Injuries, ſhall never tranſport me to heighten the repreſentation of them, to the leaſt degree beyond truth; but whoever ſhall conſider the Penalty of Treaſon, the Ruine and Deſolation it brings to Families, the Brand and Infamy it fixes on our Memories, and ſhall remember that this Portion was deſigned to me, for going on my Maſter's Errand, in a Coach and ſix Horſes, will believe that a mixture of Sorrow and Innocence, with ſo much Paſſion, as may keep them company, may well be allowed to breath it ſelf with ſo much Freedome, as to preſent to the World, with a true and ſenſible Life, my Sufferings, upon whomſoever the Injuſtice and Inhumanity may light, of having oppreſt and bow'd down to the Earth, a young Man and all his Hopes, by ſuch undeſerved Calamities.

Since that time, other Letters of mine, or Copies of Letters (poſſibly never ſent) have had the ſame Fortune, and been publiſhed to the World, to ſhew the Follies and Indiſcretions of a Man, enough in her Diſfavor before, with Gloſſes and Comments to inform the People, how much of the dangerous and pernicious Counſels, pretended to be then, and ſtill on Foot, had paſſed through my Hands, and how great an Enemy I am to Parliaments; to this later moſt grievous and venemous Imputation, I hope God will have preſerved me ſome kind of Antidote in Mens Memories, of what part I had the happineſs to bear in the paſſing of the Triennial Bill, and to it I ſhall only ſay thus much, that I have had the Honor to be a Member of the one Houſe, and muſt preſume to think my ſelf ſtill a Member of the other; that I value the Honor, the Dignity and the Privileges of both, infinitely above the Pleaſures and Benefits of Life, and if I ever wilfully contributed, or ſhall ever conſent to the prejudice of either, I wiſh the Deſires of all my Enemies may fall upon me.

To that of my having had ſo great a Hand in ill Counſels, which are expreſſed to be, of his Maieſties removing from *London* to a place of Safety, and the like, I ſhall be bold to ſay, that the Letter to the Queens Majeſty, from whence my Enemies would make the inference, hath not with any conſiderer the leaſt propending of Advice any way, but is meerly an account of mine own Intentions to apply my ſelf to his Majeſties Service, either by abſence, or at Attendance, according to courſe, that his Majeſty in his Wiſdom ſhould think fit to take. Every Body knows I never had the Honor to be a Counſellor, neither have I preſumed, without being queſtioned by his Majeſty, to interpoſe in his Affairs: when he hath graced me with any Queſtion, I have anſwered with the Freedom of a Subject, and a Gentleman. But had I bin a Counſellor, having ſeen what I have ſeen, and heard what I have heard, I, who have known ſuch Members of both Houſes, marked out by the Multitude for Bleſſings, and ſuch for Sacrifice: I who can ſay with truth, that ſuch of that Rabble, cryed out, The King's the Traitor; ſuch, That the young Prince would govern better; I who can prove, that a Leader of thoſe People in the Heat and Violence of the Tumult, cryed out, That the King was not fit to live; had I been a Counſellor, what had I been (as the Learning of Treaſon was then underſtood) ſhould I not have adviſed his Majeſty to withdraw to a Place of Safety, not from his Parliament, but from that Inſolent and unruly Multitude, who had already brought into ſo much hazard, the Perſons and the Liberty of this till then moſt happy Parliament, and not ſtaying there, did ſo lowdly threaten Ruine, even to the ſacred Perſon of the King? Advertiſe his Majeſty I did of the Danger; adviſe him I could not, I had neither the Ability, nor the Authority.

In my Letter to the Queen, at her firſt coming into *Holland*, it was obſerved, that in that Expreſſion, (of welcoming her from a Country not worthy of her) I ſhewed much Venome and Rancour to my own Nation. I meant it not, and muſt appeal to thoſe who are beſt acquainted with the Civility of Language, whether the Addreſs might not be comely to any Lady of Quality, who ſhould upon any not pleaſing Occaſion, leave one Country for a while, to reſide in another. And I hope e're long, to welcome her Majeſty back, from a Place not ſo unworthy of her, unto this Nation moſt worthy of her, without either diſparagement to *Holland*, or complement to thoſe to whom the unworthy of that Letter was intended.

For the charge and boldneſs, and preſumption in ſome Expreſſions of thoſe Letters (though I might be glad to compound my Treaſon, for Incivility) ſince Suſpition of that depends upon the right Underſtanding of Language, and connexion

January, 1641.

connexion of Words; it will be no diſreſpect to any, through whoſe Hands they have paſſed, to believe, that as they were otherwiſe intended by me, ſo that they are capable of other Interpretation. However, if in truth, miſunderſtanding, or ill breeding hath produced the other, I hope the Concluſion will only be, that I am an ill Courtier, or an ill Secretary, both which I do humbly confeſs, not that I am no good *Engliſh* Man, no good Subject. If in any of thoſe Letters there were any Expreſſions of Diſcontent or Bitterneſs, I ſhall ſay little more, then that they paſſed an Examination they were not prepared for, and fell into Hands, that they were not directed to: and I am confident many honeſt Gentlemen, who have had the happineſs to preſerve their Papers from ſuch an inquiſition, and ſhall conſider the Caſe they might be in, if all their ſecret conferences, and private Letters were expoſed and produced to the publick view, will caſt up theſe Letters of mine, in the number of my Misfortunes, without making any Addition to my Faults: and certainly, whoever ſhall obſerve the meaſure of my Sufferings, with any kind of indifference, will eaſily forgive ſuch Eruptions of Paſſion, as were only vented by me to a Brother, though they came within the reach of any other Ear.

To draw now to a Period of my unfortunate ſtory, which I cannot promiſe my ſelf, from the generality, ſo much Charity as to vouchſafe the reading, further then mere curioſity ſhall lead them; I returned into *England* not with ſo much joy to ſee my Country, as hope to be admitted upon my humble Petition to his Majeſty, to a fair, regular, impartial vindication of my innocency, and I proteſt to God, I look upon the time I may naturally hope to live with no other comfort, then as it may make me ſtill capable of that happineſs. I have follies and infirmities enough about me to make me ask the pardon of every wiſe and good man, but for Treaſon (or for any voluntary Crime either againſt my Sovereign, or my Country) I ſay it with all humility, I will not accept a pardon from the King and Parliament. By the Grace of God it ſhall never be ſaid, that either the Parliament hath brought me, or his Majeſty expoſed me to a Tryal, my own uprightneſs ſhall conſtantly ſollicite it, and without recourſe in this to either of their favours, I will either ſtand a juſtified man to the World, or fall an innocent. But in the mean time, till it pleaſe God to bleſs this Nation with ſuch a compoſure of the preſent diſtractions, as that Government and Law may have their rightful and comfortable courſe, I implore only ſo much charity from men, as may ſeem due to one, whoſe good intentions to his Country have been in ſome ſort publickly manifeſted, whoſe ill are yet obſcurely and improbably ſuggeſted.

To conclude, let the few years I have lived be examined, and if there be found any rancour or venom in my nature, even toward particular perſons which might in time contract it ſelf to an enmity againſt the State; if I have been a fomenter of Jealouſies and debate, or a ſecret conſpirer againſt the honour and fame of any man; If I have worn Religion as a Mask and Vizard for my hypocriſie, and underhand cheriſhed any opinions that I have not avowed; If I have been lead by any hopes of preferment to flattery, or by the miſs of it, to revenge, If I have been tranſported with private Ambition and been inclined to ſacrifice the leaſt Branch of the publick Peace and happineſs to my own ends and advantage, let the complication of all theſe ills prepare a judgment of Treaſon it ſelf upon me, and let me looked upon as a Man who hath made a Progreſs in wickedneſs, that a few years more added to that account, would render me a prodigy to the World; but if in truth my life hath been pleaſant to me under no other notion, then as I might make it uſeful to my Country, and have made it my buſineſs to beget and continue a good intelligence amongſt good men, if I have been then moſt zealous and fervent for the Liberties of the Subject, when the power of Court was moſt prevalent, and for the rights of the Crown, when popular Licence was moſt predominant; if by my continual ſtudy and practice of Religion, I have always been a true ſon of the Church of *England*, and by my ſubmiſſion and application of my actions to the known rule of the Law, I have always been a true Son of the State of *England*; if my actions have been honeſt and my words only doubtful; if my life only clouded with many imperfections, I hope the world will believe, I have been overtaken with too great a meaſuae of a happineſs, and every generous heart will eaſe me of ſome part of my burthen, by giving the benefit of his good opinion.

After

January,
1641.

Report of the Conference concerning the *Scots* Commiſſioners Propoſitions for the Relief of *Ireland*.

After this the Lord Keeper Reported the Conference with the Commons concerning the *Scots* Propoſitions to this Effect.

That the Engliſh *Commiſſioners, having received ſeveral Propoſitions from the* Scots *Commiſſioners, dated the 27th of* December *laſt, touching the ſending of Men out of* Scotland *into* Ireland; *the Houſe of Commons having conſidered of them have given this Anſwer following to them, which they offer to their Lordſhips Wiſdom and Conſideration, being certain Votes of the Houſe of Commons.*

Die Jovis 30 December, 1641.

Towns in *Ireland* to be put into the *Scots* hands, and the Publick Faith of *Scotland* to be taken for the reſtoring of them.

Reſolved upon the Queſtion, *That the Houſe is of an Opinion, that the Towns and Caſtles of* Carrick-fergus *and* Colerain *ſhall be put into the hands of the* Scots, *to be places for their Retreat, Magazines and Garriſons: And that thoſe Towns and Caſtles ſhall remain in the* Scots *hands, untill the Wars ſhall end, or till they ſhall be diſcharged of that Service; this Houſe holds it fit likewiſe to accept of the Publick Faith of the Kingdom of* Scotland, *for the redelivery of the ſaid Caſtle and Towns, and that the Kingdom of* England *ſhall give Publick Faith for the Payment of all Dues that ſhall ariſe upon this preſent Service.*

Reſolved, &c. *That for the Proviſion of Victuals for the* Scots *Army, Money ſhall be advanced out of their Pay to enable them to make Proviſion, which they may make out of any Parts of* England *and* Wales, *to their beſt advantages, and that to Tranſport it, they ſhall have the ſame aſſiſtance for providing of Shipping from the State, that the* Engliſh *Army hath: And that his Majeſty ſhall be moved to grant his Licenſe for the Tranſporting thereof Cuſtom-free, Caution being given, that under colour of ſuch Proviſions, victuals be not carried to the Rebels: And if this Propoſition be not accepted, then the like Proviſions ſhall be made for them, as ſhall be made for the* Engliſh *Army: And the reſt of the Article is aſſented to.*

Reſolved, &c. *That this Houſe holds it fit to Aſſent to the* Scots *third Propoſition; and that Power ſhall be given to the General there to raiſe Horſes for the Service expreſt in the Article at the publick charges of that Kingdom, as they ſhall have occaſion to uſe them.*

Reſolved, &c. *That this Houſe holds it fit to Aſſent unto the* Scots 4th *Propoſition.*

Reſolved, &c. *That the* Scots *ſhall go in the Way and Order of an Army, under their own General, and Subaltern Officers, which General ſhall have the ſame Pay that the* Scots *allowed, when they imployed one themſelves, and that they ſhall have the Province of* Ulſter *appointed, wherein they ſhall firſt proſecute the War: And to that part of the Article concerning Power to give Conditions to Towns, Caſtles,* &c. *as ſhall be moſt expedient for the Service, it is aſſented to, but not to give any Toleration for the Popiſh Religion.*

To be treated on further, That their whole Army ſhould be Commanded out of the Circle by the Lord Lieutenant of Ireland, *if he ſhall think fit, before the Rebellion be totally Suppreſſed in* Ulſter; *as alſo, that a third part of their Army may be drawn away upon occaſion.*

Reſolved, &c. *That the* Scotch *ſhall be entertained and paid for three Months, and that they ſhall have a Months Pay advanced before hand,*

and ſhall be afterwards Pay'd as the English *Army is.* This to be the Anſwer to the firſt part of the ſixth Article, the Houſe doth aſſent unto the Reſt.

Reſolved, &c. *That the ſeventh Article ſhall be recommitted.* All which Votes of the Commons were read before the Lords, but nothing further done in it at this time.

Vote of the Lords and Commons againſt the Attorney General.

Then a Conference was had between the two Houſes touching the Kings Meſſage, concerning the Lord *Kymbolton* and the Five Members of the Commons Houſe; where this following Vote of the Commons was communicated to their Lordſhips for their Concurrence, and the Lords did *in terminis* concur with them in it, and it was Reſolved, &c. *That the Impeachment made by Mr. Attorney in the Houſe of Lords againſt the Lord* Kymbolton *and the five Members of the Houſe of Commons, and the proceedings thereupon, is a high breach of the Priviledge of Parliament.*

Whereupon a Committee of 21 Lords, and a proportionable Number of Commons were appointed to draw an humble Petition to his Majeſty, that thoſe that did inform his Majeſty againſt the Members mentioned in the Meſſages from his Majeſty, may come in betwixt this and next *Thurſday* to charge them, or elſe, that they may be freed in ſuch a way, as the Parliament ſhall think fit.

Election for a Burgeſs for *Arundell.*

In the Houſe of Commons a Debate happened this morning concerning the Return of a Burgeſs for the Town of *Arundell*, which came to this Vote; Reſolved, &c. and Ordered, *That Mr.* Downes *who is returned a Burgeſs for the Town of* Arundell *in the County of* Suſſex, *under the Common Seal of the Town, by the Mayor of that Town, ſhall be preſently Sworn and admitted as a Member into the Houſe, until ſuch time as the Election be Determined.*

And to make it ſure that he ſhould continue ſo, the Queſtion being put for the reviving of the Committee for Priviledges, it paſt with the Negative.

And it was further Ordered, *That the High Sheriff of the County of* Suſſex, *who has Returned two Indentures for the Town of* Arundell, *ſhall be Summoned to appear here at the Bar, to amend his Return.*

Marqueſs of *Hamilton*'s Complement to the Commons concerning the Arms at *Fox-Hall.*

Then Sir *Henry Mildmay* acquainted the Houſe, *That the Marqueſs of* Hamilton *was Yeſterday informed, That this Houſe had made an Order for the removal of a* 1000. *Muſquets, and ſeveral Pieces of Ordnance from* Fox-Hall *to the City of* London, *for more ſafety in theſe times of trouble*; He ſaith, *That he had ſome Pieces of Ordnance there belonging unto him, which were given him by the King of* Sweden; *but however was willing, that this Houſe ſhould remove them to* London, *or elſewhere, and to remain there as the Houſe ſhall think fit.*

Upon the Debate of the Conference to be deſired with the Lords concerning the Lord *Digby* and the *Kingſton* Buſineſs, Sir *Philip Stapleton* made this following Speech:

Sir *Philip Stapleton*'s Speech concerning the Lord *Digby* & Collonel *Lunsford, Jan.* 15. 1641.

Mr. *Speaker*,

“IT is the continual practice of the Devil, after any of his Works of “Darkneſs, and Maliciouſneſs intended againſt God and his “Chriſt, is diſcovered and Annihilated by the ſpecial Power of “Divine Providence, to practice new, being always ſtriving to “encreaſe his own Kingdom, always winning to himſelf freſh Inſtru-“ments,

January,
1641.

“ments, to yield to his Suggeſtions and Temptations, and Execute the ſame.

“I am now to ſpeak concerning this new Treachery and Conſpiracy, endeavoured to be practiſed by two Eminent Perſons, that have eſpecially the one of them, obtained the Favour, not only of their Prince, but applauded for their better Parts, by moſt of his Majeſties Subjects, the Lord *Digby* and Coll. *Lunsford*; The firſt had the Honour to ſit in this Houſe as a Member thereof, ſo well approved was he both of his King and Country, none more Fervent againſt evil doers at the firſt then himſelf ſeemed to be both by his Speeches and Diſputes, but in heart always as it ſeems Favouring the Biſhops, and their Cauſe, although it ſeemed but a little, yet increaſing daily more and more, grew to ſuch ſtrength in his opinion concerning his own worth, that he adventured to take part with the Earl of *Strafford*, truſting too much on the ſame, ſo High is Pride, that at length he preſumed to oppoſe and ſet himſelf againſt the proceedings of the whole Houſe, againſt the ſaid Earl, Obſtinately refuſing to be admoniſhed concerning the ſame; and yet keeping his Friends, many of the Lords, was by his Majeſty as a Baron, called to their Houſe, and aſpiring yet higher, obtained his Princes favour, not being yet acquainted with his ſecret Intentions, by which means too confident of his ſafety, and ſecurity in his Deſigns, adventured openly to comply with the publick Enemies both of King and Country; As eſpecially now with this other Perſon of whom I am to ſpeak, this Collonel, being by his Majeſty advanced to that dignity and truſt, could not ſo content himſelf, but imitating the water Toad, ſeeing the Shadow of a Horſe ſeem bigger then it ſelf, Swell to compare with the ſame, and ſo Burſt; even ſo this Gentleman having obtained firſt this Place of Command, and afterwards Lieutenant of the *Tower*, and being found of ſuch a Malignant Spirit, that he was unfit and uncapable for that great Place of Truſt, and therefore removed, taking the ſame a great diſhonour to his worth; now endeavours by Traiterous and Deſperate Actions, to defend himſelf, and be revenged of his pretended Adverſaries; and to that purpoſe they have between them joyntly raiſed Arms againſt the State, met together in peaceable Conſultations for the good of Church and Common-wealth.

“Mr. *Speaker*, Theſe attempts made by theſe Perſons are of dangerous conſequence, and this their Inſurrection by taking up of Arms, without Warrant both from his Royal Majeſty and this High Court of Parliament, only to do Miſchief in raiſing Sedition and Contention thereby to preſerve themſelves from being called to an account for their deſperate Actions, and Diſloyal taking up Arms, will prove harder to Appeaſe and Suppreſs, then any Troubles we have yet ſuffered.

“Mr. *Speaker*, I conceive quick diſpatch in our Intentions, for the Apprehending and Suppreſſing theſe Perſons, is the only means to prevent future danger: And to that purpoſe I deſire to preſent to your conſiderations theſe particulars.

1. *That Warrants may Iſſue forth for the ſpeedy and private apprehending of them in what places ſoever they ſhall be found, and immediately to bring them before the Houſe.*

2. *If this cannot be effected, to Iſſue forth Proclamations for their calling in, within a certain time perfixed, under penalty of being Proſecuted and Proceeded againſt as Traytors to their King and Country.*

3. *That Warrants be forthwith ſent for the Guarding and Securing of all the Ports of this Kingdom; and for the Intercepting of all Paquets or Letters, intended to be conveyed into Forraign Kingdoms, or any brought from thence hither.*

4. *That Order be ſent down into the ſeveral Counties of this Kingdom, where it is ſuſpected either of theſe Perſons have any Friends, or Favorites well-wiſhers to their Cauſe; with Command to the* Sheriffs, *and ſeveral Officers of ſuch Counties to ſtand upon their Guard, and to raiſe Force for their own Defence and Safety; and to endeavour by all means Poſſible to apprehend and ſuppreſs them, and ſuch of their Conſpiracy, as ſhall be taken, preſently to be ſent up to this Houſe, to be Examined and Proſecuted according as they ſhall be found.*

5. *That Order may be made by the Parliament, that no Officer that ſhall be found to have a hand in this Plot, may be imployed in any Service of publick Command, either for* Ireland, *or any other of his Majeſties Dominions, or any private Affairs of this Kingdom.*

6. *That we may without further delay proceed to Sentence againſt all Delinquents by this Honourable Houſe, accuſed for any Crime whatſoever, in whoſe Defence, or for whoſe cauſe theſe Perſons now accuſed pretend to take up Arms.*

7. *That his Majeſty may be moved Graciouſly to be pleaſed, to declare himſelf againſt theſe Perſons, and all others that do any ways pretend to his Authority or Warrant for what they do.*

8. *And Laſtly, His Majeſty may be moved to avert his intended Journey for* Portſmouth, *for the ſafety and ſecurity of his Royal Perſon, til ſuch time as their dangers be removed, and the Peace and Vnity of all his Majeſties Loyal Subjects, be procured and ſettled.*

“ And thus Mr. *Speaker*, having preſented ſuch things to this Houſe,
“ which I humbly conceive to be neceſſary to ſuppreſs and prevent this
“ new danger threatned by thoſe two Diſaffected and Male-contented
“ Perſons, the Lord *Digby* and Collonel *Lunsford*; I leave the ſame to
“ the further conſideration of this Honourable Houſe, deſiring from my
“ heart, that it would pleaſe God to end all the Troubles and Diſtempers
“ of this Common-wealth; and that this High Court of Parliament
“ may prove the firm Settlement of all things amiſs, both in Church
“ and State.

After this Mr. *Pierpoint* Reports from the Committee appointed yeſterday, for putting the Kingdom into a Poſture of Defence.

Mr. *Pierpoint's* Report concerning Poſture of Defence, and the Commons Vote upon It.

That the Opinion of the Committee was, and ſo it was by the Houſe Reſolved upon the Queſtion, *That the Knights and Burgeſſes of the ſeveral Counties, ſhall by two of the Clock this afternoon deliver in the Names of ſuch Noble Perſons, as they think fit to be appointed Lord Lieutenants in the ſeveral Counties, and that thoſe Gentlemen of this Houſe, that have*

Eſtates in the Biſhoprick of Durham, *ſhall nominate ſuch a one, as they ſhall think fit to be Lord Lieutenant in that County.*

Sir *Richard Cave* then acquainted the Houſe, *That according to the Command of the Houſe, he had returned thanks to the States Embaſſador, for his affections Expreſſed to the ſervice of this State; Who anſwered, That he thinks himſelf much honoured by the acknowledgements of his ſervice from this Houſe, and knows, that the deſires of this Houſe will be upon all occaſions very acceptable to his Maſters the States.*

It was alſo Ordered, *That Alderman* Pennington *and Mr.* John Goodwin, *do ſpeak with the Executors of Sir* James Cambell, *and to deſire them from this Houſe, that in the diſpoſing of the Eſtate which Sir* James Cambell *hath given for Charitable Vſes, they will ſpecially take into conſideration the War in* Ireland, *which will be an acceptable ſervice to the Common-wealth.*

The Examination of Mr. ***Attorney*** **General, Reported by Serjeant** ***Wild.***

Serjeant *Wild* then Reported the Conference had on *Thurſday* night laſt with the Lords, concerning Mr. *Attorney*'s Exhibiting Articles in the Lords Houſe, againſt Members of this Houſe; The Conference conſiſted of two Parts. Firſt, the Narrative Part, *That theſe Articles Exhibited by Mr.* Attorney, *and entred in the Lords Houſe, was a Breach of Priviledge of Parliament, and that in due time this Houſe would deſire that Juſtice may be done upon Mr.* Attorney. The Second Part, was to Examine Mr. *Attorney* upon certain Queſtions, and to receive his Anſwer: Firſt, He being asked, *Whether he Contrived, Framed or adviſed the ſaid Articles, or any of them, if not, then Whether he doth know or have heard, who did Frame, Contrive or adviſe the ſame or any of them?* To this he anſwered, *That he would deal clearly, freely and Ingeniouſly, and that he ſhould ſay the ſame which he had before delivered to the Lords, and ſhould need no long time to anſwer this, for that he had done none of theſe three, that is, neither Framed, Adviſed theſe Articles, or any of them; and would be contented to die if he hid.*

Secondly, Being demanded whether he knew the truth of theſe Articles or any of them, of his own knowledge, or had it by Information? To this he Anſwered, *He did know nothing of his own knowledge, of the truth of theſe Artitles, or any part of them, nor hath heard it by Information.* All that ever he hath heard concerning this was from his Maſter.

Thirdly, Being asked, whether he will make good theſe Articles when he ſhall be thereunto called in due courſe of Law? To this he Anſwered, *He cannot do it, nor will not do it, otherwiſe then as his Maſter ſhall Command him, and ſhall Enable him, no more then he that never heard of them can do it.*

Fourthly, Being asked from whom he received theſe Articles, and by whoſe direction and advice he did Exhibit them? He anſwered, *He did Exhibit them by his Maſters Command, and from his hands he did receive them.*

Fifthly, Being asked, whether he had any Teſtimony or Proof of the Articles before the Exhibiting of them? He gave this Anſwer, *That he received the Command of his Majeſty; but whether he had any proof then offered, or intimation of Teſtimony, to make good thoſe Articles, he* *deſired time to conſider of it; he was preſſed again to make anſwer to this, but deſired time to conſider of it, ſaying there was a ſecret truſt between a Maſter and Servant, much more in this Caſe.*

The great Deſign of this Examination was to have got out who were the Witneſſes of this Accuſation, that ſo they might have fallen upon them and worried them to death; and though nothing was more juſtifiable then this Plea of Secrecy to which Mr. *Attorney* was obliged by his Oath, from which they could have no power to Abſolve him; Yet it did ſo Exaſperate the Faction, that it was Ordered, *That ſome way be thought of for Charging Mr.* Attorney, *by this Houſe as Criminous, for Exhibiting thoſe Articles in the Lords Houſe againſt Members of this Houſe, without any Information or proof that appears, and that this Houſe, and the Gentlemen Charged by him may have Reparation from him, and that he may put in good Security to ſtand to the Judgement of Parliament.*

Votes againſt the *Attorney* General.

And it was Reſolved, &c. *That this Act of Mr.* Attorney's *in this Impeachment againſt Members of this Houſe is Illegal, and a High Crime.*

Reſolved, &c. *That the Lords ſhall be deſired, That Mr.* Attorney *may put in good Security, to ſtand to the Judgement of Parliament.*

And Mr. *Whitlock*, Serjeant *Wild*, Mr. *Hill*, Mr. *Glyn*, Mr. *Brown*, Mr. *Rigby*, and Mr. *Buller*, were appointed a Committee, they or any three of them to withdraw preſently, and prepare a Charge againſt Mr. *Attorney*, upon the Votes of the Houſe.

Collonel *Hill*, and Lieutenant *Bowles* Delinquents for raiſing Volunteers for *Ireland*.

And that Poſterity may ſee how Zealous theſe People, after all their pretenſions were for the Relief of *Ireland*: It was Reſolved, &c. and Ordered, *That Collonel* Hill *and* Robert Bowles *his Lieutenant, ſhall be forthwith ſent for as Delinquents, by the Serjeant at Arms attending on this Houſe, for beating up Drums and raiſing of Men, contrary to the Ordinance of Parliament; And that all Conſtables and other Officers be aſſiſting to the Serjeant in the Execution of his Warrant.*

And that Mr. Whiſtler, *Mr.* Pury, *Mr.* Smith, *and Mr.* Hill, *ſhall ſearch in ſuch Offices as they ſhall think fit, to ſee if any Commiſſions, or other Warrants have been granted to any Perſon or Perſons for Levying of Men.*

A Paper was delivered by Mr. *Hambden* from the *Scotch* Commiſſioners, which was read in theſe words:

A Paper of the *Scotch* Commiſſioners, offering their Mediation to the King, &c.

“OUr Treaty concerning the *Iriſh* Affairs being ſo oft interrupted
“ by the Emergent Diſtractions, gives us occaſion to deſire
“ your Lordſhips and thoſe Noble Gentlemen of the Houſe of Com-
“ mons, for to preſent to the Honourable Houſes of Parliament, that
“ we having taken to our Conſideration, the manifold Obligations of
“ the Kingdom of *Scotland*, to our Native and Gracious Soveraign, his
“ Perſon and Government, confirmed and multiplyed by the great and
“ Recent Favours beſtowed by his Majeſty on that Kingdom, at his laſt
“ being there, and ſettling the troubles thereof; and conſidering the
“ mutual Intereſt of the Kingdoms in Welfare and Proſperity of others,
“ acknowledged and Eſtabliſhed in the late Treaty: And finding our
“ ſelves warranted and obliged by all means to labour to keep a right
“ Underſtanding betwixt the Kings Majeſty and his People; to confirm
“ that Brotherly affection begun between the two Nations, to advance
“ their

January, 1641.

" their Unity by all ſuch ways as may tend to the Glory of God, and " Peace of the Church and State of both Kingdoms; to render thanks to " the Parliament of *England*, for their aſſiſtance given to the Kingdom " of *Scotland*, in ſettling the late Troubles thereof, wherein next to the " Providence of God, and the Kings Majeſties Juſtice and Goodneſs, " they do acknowledge themſelves moſt beholding to the Mediation, " and Brotherly kindneſs of the Kingdom of *England*; and likewiſe to " proffer our ſelves for removing all Jealouſies and miſtakings which " may ariſe betwixt the Kings Majeſty and this Kingdom, and our beſt indeavours for the better Eſtabliſhment of the Affairs and quiet of the " ſame.

" We do therefore in the name of the Parliament and Kingdom of " *Scotland*, acknowledge our ſelves next to the Providence of God and " his Majeſties Juſtice and Goodneſs, moſt beholding to the Mediation " and Brotherly kindneſs of the Kingdom of *England* in many reſpects, " eſpecially in condeſcending to the Kings Majeſties coming to *Scotland*, " in the midſt of their great Affairs; whereof we have taſted the ſweet " and comfortable Fruits, and do heartily wiſh the like happineſs to this " Kingdom. And as we are heartily ſorry to find our Hopes thereof deferred by the preſent diſtractions growing daily here, to a greater " height, and out of the ſenſe thereof, have taken the Boldneſs to ſend " our humble and faithful advice to the Kings moſt Excellent Majeſty, " for remedying of the ſame, to the juſt ſatisfaction of his People; ſo out " of our duty to his Majeſty, and to teſtifie our Brotherly Affection to " this Kingdom, and acquit our ſelves of the Truſt Impoſed upon us, We " do moſt Earneſtly beſeech the moſt Honourable Houſes, in the deep " of their Wiſdoms, to think timouſly upon the Faireſt and Fitteſt Ways " of Compoſing all preſent differences, to the Glory of God, the good " of the Church and State of both Kingdoms, and to his Majeſties Honour and Contentment; Wherein, if our Faithful endeavours may be " any way uſeful we ſhall be moſt ready at all occaſions to contribute " the ſame.

15th. *of Jan.* 1641. *Ja. Primroſe.*

The very ſame Paper Verbatim was at their requeſt preſented to the Lords, by the Lord Lieutenant of *Ireland*.

After the reading of this Paper, Sir *Philip Stapleton*, Mr. *Long*, and Mr. *Arthur Goodwin*, were Ordered to return thanks from the Houſe of Commons, to the *Scotch* Commiſſioners, for their good Affections Expreſt to this State and Parliament, and likewiſe to deſire to know of them, what it is, that they have ſent unto his Majeſty by way of Advice.

To which Sir *Philip Stapelton* brought this anſwer, That moſt of the Commiſſioners were gone from the place of Meeting, not expecting any Meſſage from this Houſe, beſides they have not as yet ſent the Paper to the King, by reaſon they could not get Poſt-Horſes, and till ſuch time as his Majeſty hath firſt received the ſame, they conceive it not ſo fit it ſhould be made known: But upon *Monday* morning they make no doubt to give this Houſe full ſatisfaction.

I know no reaſon I have to make the Reader ſtay till *Monday*, whoſe Expectation may be as willing to be gratified with a ſight of this Paper, as the Houſe of Commons were, and therefore I preſent him with it as followeth:

To

January,
1641.

To the King's moſt Excellent Majeſty.

The Humble deſires of the Commiſſioners of his Majeſties Kingdom of SCOTLAND.

The Petition and advice of the Commiſſioners of *Scotland* to the King, by way of Mediation.

WE your Majeſties humble and faithful Subjects, conſidering that the Mutual Relation betwixt your Majeſties Kingdoms of Scotland *and* England *is ſuch, as they muſt ſtand or fall together, and the diſturbance of the one muſt needs diſquiet and diſtemper the Peace of the other, as has been often acknowledged by them both, and eſpecially in the late Treaty which is ratified in Parliament, and confirmed by the publick Faith of the Eſtates of your Majeſties ancient and Native Kingdom of* Scotland *ſo that they are bound to maintain the Peace and Liberties of one another, being highly concerned therein, as the aſſured means of the ſafety and preſervation of their own: And finding our ſelves Warranted, and obliged by all means to labour to keep a right Underſtanding betwixt your Majeſty and your People, to confirm that Brotherly Affection betwixt the two Nations, to advance their Unity by all ſuch ways as may tend to the Glory of God, and Peace of the Church and State of both Kingdoms, and aykways to proffer our ſervice for removing all Jealouſies and miſtakes, which may ariſe betwixt your Majeſty and this Kingdom, and our beſt endeavours for the better Eſtabliſhment of the Affairs and quiet of the ſame, that both your Majeſties Kingdoms of* Scotland *and* England *may be United in the enjoying of their Liberties in Peace under your Majeſties Scepter, which is the moſt aſſured Foundation of your Majeſties Honour and Greatneſs, and of the ſecurity of your Royal Perſon, Crown and Dignity: We have taken the Boldneſs to ſhew your Majeſty, that we are heartily ſorry and grieved to behold theſe Diſtractions which increaſe daily betwixt your Majeſty and your People, and which we conceive are entertained by the wicked Plots and Practices of* Papiſts, Prelates *and their Adherents, whoſe aim in all theſe Troubles, has not been only to prevent all further Reformation, but alſo to ſubvert the Purity and Truth of Religion, within all your Majeſties Kingdoms; for which end, their conſtant Endeavours have been to ſtir up Diviſions betwixt your Majeſty and your People; by their Queſtioning the Authority of Parliaments, the lawful Liberties of the Subjects, and real Weakning your Majeſties Power and Authority, nay all upon pretence of Extending the ſame, whereof by Gods Providence being diſappointed in your Majeſties Kingdom of* Scotland, *theſe have now converted thir Miſchievous Councels, Conſpiracies and Attempts, to produce theſe diſtempers in your Majeſties Kingdoms of* England *and* Ireland. *And therefore according to our Duty to your Majeſty, to teſtifie our Brotherly Affection to this Kingdom, and acquit our ſelves of the truſt Impoſed in us; We do make offer of our humble Endeavours for compoſing of theſe differences: And to that purpoſe do beſeech your Majeſty in theſe Extremities to have Recourſe to the ſound and faithful advice of the Honourable Houſes of Parliament, and to repoſe thereupon, as the only aſſured and happy means to Eſtabliſh the Proſperity and quiet of this Kingdom. And in the depth of your Royal Wiſdom to conſider and prevent theſe Apprehenſions of Fear, which may poſſeſs the Hearts of your Majeſties Subjects in your other Kingdoms, if they ſhall conceive the Authority of Parliament, and the Rights and Liberties of the Subject to be here called in Queſtion. And*

we

January,
1641.

we are confident, that if your Majeſty ſhall be graciouſly pleaſed to take in good part, and give Eare to theſe our humble and faithful Deſires, that the ſucceſs of your Majeſties Affairs howſoever perplexed, ſhall be happy to your Majeſty, and joyful to all your People, over whom, that your Majeſty may long and proſperouſly Reign, is the Fervent and Conſtant Prayer of us your Majeſties Faithful Subjects and Servants.

It was likely to come to a hopeful iſſue for his Majeſty and all his Loyal Friends, when thoſe who had by Rebellion wreſted from him ſo great a ſhare of his Sovereignity and Regal Authority, undertook to be Umpires and Mediators in a difference to which they were Principal Parties, and to compoſe thoſe differences, which the Faction, following their Example, were reſolved ſhould be determined by no other terms of Accommodation, then his Majeſties parting with the Sword, which Guarded his Septer, and which they were reſolved either to have, or to force it from him by the down-right ſtrength of a moſt deep rooted and formidable Rebellion. But what thanks ſoever they had for this officious diligence from the King, they received many thanks from both Houſes, for the affection expreſſed to the Kingdom, in the advice which they gave the King in this Paper; which was mightily to the Grace of the Faction, and Tuned to the humor of the Times which charged all the Miſeries and Diſtractions, upon the King's refuſing the ſound advice of his great Council the Parliament.

Munday, January, 17. The Lo. *Netterville*'s Son ordered to be brought before the Lords.

This day an Order was made in the Lords Houſe, for the bringing up to the Lords in Parliament Mr. *Thomas Netterville*, Son to the Lord *Neterville*, who was ſtayed in *Cheſter*, by the Mayor of the place, upon Suſpicion; and the Lord Admiral was Ordered to write to the Mayor thanks from the Houſe of Lords, for his care in ſtaying the ſaid Mr. *Netterville*.

The King's Anſwer to the Bill for adjournment Hull, &c.

Then the Lord Duke of *Richmond* Reported the King's Anſwer to the Meſſage delivered to him, *Jan. 15th.*

(1.) *Concerning his Majeſties Aſſent to be given to the Bill for the Adjourning of the Parliament from* Weſtminſter *to* London, *or any other Place, his Majeſty ſaith, he will take further time to conſider of it.*

(2.) *That his Majeſty hath Signed a Warrant to the Earl of* Newport, *Maſter of the Ordnance, for iſſuing out of Arms and Ammunition, and Tranſporting them for* Ulſter *as is deſired.*

(3.) *And as touching the ſecuring of the Town and Magazine of* Hull, *His Majeſty conceiveth, he hath formerly given a ſatisfactory Anſwer.*

After which the Lord Keeper ſignified, *That the King had Commanded him to deliver this Meſſage to both Houſes of Parliament, to let them know that there hath been much Powder, Arms, and Ammunition iſſued out of the Stores for the Supply of the occaſions of* Ireland, *and his Majeſty hopes that both Houſes will take care the Stores be repleniſhed for the ſecurity and defence of this Kingdom:* Which was Communicated to the Houſe of Commons.

A Meſſage was brought up from the Commons by Sir *John Evelyn*, to deſire, *That the Army and Ordnance at* Fox-Hall, *at* Lambeth-Houſe, *at the Arch-Biſhop of* Yorks, *and at the Biſhop of* Winton*'s Houſes may be removed to* London, *and kept there in ſafe Cuſtody.*

Alſo

January, 1641.

Alſo the Houſe of Commons preſented their Lordſhips with an Order for Guards, which they deſired their Lordſhips to join with them in: The Order was read as followeth.

An Order and Declaration of the Lords and Commons in Parliament, for the providing of Guards, and other neceſſary Defence for the Safety of his Majeſty, the Parliament, and Kingdom.

An Order for Guards, *&c.*

Foraſmuch as the neceſſity of providing Monies and other ſupplies for the preſent relief of Ireland, *and for defence of this Kingdom, requireth the ſpeedy Care and Conſideration of both Houſes of Parliament, and for that it appears by many wicked Practiſes and Deſigns that have been lately diſcovered, that the ſaid Houſes cannot ſit in ſafety, without ſtrong and ſufficient Guards from the City of* London *and parts adjacent: It is therefore Ordered, and Declared by the Lords and Commons Aſſembled in Parliament, That there be neceſſary Guards raiſed out of the City and Parts Adjacent; and the ſame to be in Order for the Defence and Safety of the King, Parliament, and Kingdom: And it is declared by the ſaid Lords and Commons, That for the providing of Guards and other neceſſary Defence for the purpoſe aforeſaid, as well the Sheriffs of the City of* London *and* Middleſex, *as of all other Counties of this Realm, may and ought to raiſe the* Poſſe Comitatus, *and in caſe they fail of their Duties herein, which they are accountable for, to God, the King, and the Parliament, then every good Subject may and ought in their Duties to God, their King and Country,* * *by their Solemn Oath of their late Proteſtation to maintain and defend to the uttermoſt of their Power, the Perſon of his Majeſty, and of every Member of each Houſe of Parliament, being the Perſons whom they have intruſted with their Lives, Liberties, and Fortunes, from all Force and Violence whatſoever.*

* Now they made the Deſign of that wicked and inſnaring Oath appear.

And the ſaid Lords and Commons do farther declare, That the Sheriffs of London *and* Middleſex, *as well within the City as without, and that for the Safety of the King, Kingdom and Parliament, which is now in imminent and apparent Danger, (the Commiſſion of the Lord Mayor, being but a Commiſſion of Lieutenancy and Illegal) the Lord Mayor, Aldermen, and Common-Council, or the greater number of them, ought to make uſe of the Train'd Bands, or any other Forces of the City, for the preſerving of the Peace of the Kingdom, Perſon of his Majeſty, and all the Members of Parliament from violence and dangers, both within their Limits and without. And that there being yet no declaratory Law for the Regulating of the Militia of the Kingdom, though in Agitation in Parliament, the ſaid Lords and Commons do declare, That in this preſſing and extraordinary Occaſion, the Lord Mayor, Aldermen, and Common-Council of the City of* London, *or the greater number of them ought to appoint ſuch Officers, that the neceſſary Guards and Forces aforeſaid may be governed in a due and orderly manner, and that the Officers aforeſaid may beat up their Drums for the ſafety of his Majeſty, the Kingdom and Parliament; and that the performance of the Premiſſes ſhall be taken for a good and acceptable piece of Service to both Houſes of Parliament.*

And it is further Ordered and Declared by the ſaid Lords and Commons, That Captain Skippon *ſhall be Sergeant Major General of the City Forces, until the City reſolve to the Contrary, and not to depart from this Service upon any Command, or Counter-mand, until Order be taken by* *the Parliament; and he ſhall have Power if violence be offered, to make defence, or offend; and that all the Train'd Bands, both of* London *and* Weſtminſter, *and the Parts Adjacent, and all the Captains and Officers of the ſaid Bands ſhall be Commanded by him, and receive Orders from him, from time to time, for beating the Drums or Service, and all Soldiers thereupon under his Command ſhall reſort to their Colours in Arms, without expecting further Order from the Lord Mayor: And that all Citizens or others, that will mount themſelves on Horſeback, ſhall be under the Command of the ſaid Sergeant Major* Skippon; *and that Ammunition of all ſorts ſhall be iſſued out of the Chamber of* London, *in ſuch a proportion, as he ſhall think fit and direct.*

And it is further Ordered and Declared by the ſaid Lords and Commons, That whereas there is a Committee choſen of the Common-Council of the City of London, *to Treat and Confer with a Committee of the Houſe of Commons, touching the ſafety of the King and Parliament, City and Kingdom, That the Perſons of the ſaid Committee of the Common-Council ſhall not be apprehended, or otherwiſe reſtrained, without the leave of the Commons Houſe of Parliament firſt obtained, during the time that they ſhall be Committees for the buſineſs aforeſaid, for any thing done, or to be done in purſuance thereof; and that none of the ſaid Committee of the ſaid Common-Council, preſume to depart out of the ſaid City to any place upon any Intimation whatſoever, without leave firſt obtained from the ſaid Committee of the Common-Council, or the greater part of them.*

And laſtly, it is Declared and Ordered by the ſaid Lords and Commons, That all Actions of the ſaid Citizens of London, *or of any other Perſon whatſoever for the Defence of the Parliament, or the Privileges thereof; or for the preſervation of the Members thereof, are according to their Duty, and their Proteſtation, and the Laws of this Kingdom; and if any Perſon ſhall Arreſt or Trouble any for ſo doing, he is declared to be a violater of the Liberty of the Subject, and of the Rights and Priviledges of Parliament, and a Publick Enemy of the Commonwealth.*

To this Meſſage and Declaration this Anſwer was given, *That their Lordſhips will take it into Conſideration.* And truely they had ſome reaſon to do ſo, for certainly this was a direct Levying of War, being abſolutely without the King's knowledge, privity, or conſent; and from this Period ought to be Dated the actual Rebellion, which manifeſtly proves the Faction to be the Aggreſſors.

A Meſſage was brought up to the Lords by Mr. *Nathanael Fiennes*:

(1.) *To deſire that their Lordſhips would give diſpatch to the* Scots *Propoſitions.*

(2.) *To the Bill for a Contribution for* Ireland.

(3.) *To let their Lordſhips know, That the Houſe of Commons do reſolve to Adjourn their Houſe till* Thurſday *at Eight of the Clock, and had appointed in the mean time a Committee, whereunto all that would come ſhould have Voices, to ſit in* London *at Crocers-Hall, and have given them a large Power,*

Meſſage concerning adjourning to *Grocers-Hall*, &c.

1. *Concerning the Safety of the Kingdom.*
2. *Concerning Priviledges of Parliament.*
3. *The Affairs of* Ireland.

4. *Concerning the ſetling of the preſent Diſtempers. And the Houſe of Commons deſire, That if their Lordſhips think ſo fit, that they would appoint a like Committee; and that their Lordſhips would give them power to meet and confer with the Committee of the Houſe of Commons.*

(4.) *The Houſe of Commons deſires, That the Committees for* Ireland *might meet there if their Lordſhips think it fit.*

(5.) *That the Committee that their Lordſhips have appointed to take Examinations upon Oath, as alſo the Committees appointed to draw a Petition to his Majeſty concerning the Breach of Priviledges, might likewiſe ſit there, if their Lordſhips think fit.*

Order of the Lords for adjournment to *Grocers-Hall.*

To all which their Lordſhips conſented, as appears by this their Enſuing Order.

Ordered, *That the Committee for the* Iriſh *Affairs, ſhall meet at Grocers-Hall, on* Tueſday *the 18th of this Inſtant* January, *at Nine of the Clock in the Morning; and that they ſhall have Power to Treat and Debate, concerning the Safety of this Kingdom, the Priviledges of Parliament, the Affairs of* Ireland, *and the ſetling of the preſent Diſtempers, and to take into Conſideration his Majeſties Meſſage ſent to both Houſes: And likewiſe, that the Committee to take Examinations upon Oath may be there; as alſo the Committee appointed to draw a Petition to his Majeſty concerning breach of Priviledges, and to conſider of all means for vindicating the ſame.* And it is further Ordered, *That all the Lords may be preſent at the ſaid Committees, and have Votes, and every of them ſhall have Power to Debate among themſelves, and with the Committee of the Houſe of Commons; and to call all Perſons whom they ſhall think fit before them; and likewiſe to Adjourn from time to time, and from place to place, as they ſhall ſee Cauſe, and the Votes and Reſults of the Committee to Report unto this Houſe.*

This Adjournment was to keep up the belief, that they did not ſit in ſafety at *Weſtminſter*, and to countenance the attempt upon the Militia, at which they were now driving might and main.

Still Sir *John Byron* the Lieutenant of the Tower was a great Beam in their Eye, and therefore to get poſſeſſion of the Tower, they had perſwaded ſeveral Merchants and others to Petition againſt him; and that it was framed by the Artifice of the Faction, the wording of it, and the Anſwers of the Petitioners make apparent, for they ſpeak the ſame Language the Commons had taught them at the laſt Conference for this purpoſe with the Lords. For a Meſſage was brought up from the Houſe of Commons by Sir *Henry Vane* Junior to this Effect, *That the Houſe of Commons having by divers Conferences expreſſed unto their Lordſhips the juſt cauſes of Fears and Jealouſies that are in the City, by reaſon of Sir* John Byron's *being Lieutenant of the Tower of* London, *which cauſed the Houſe of Commons formerly to deſire their Lordſhips to joyn with them to Petition the King, that he might be removed from that Place, which their Lordſhips thought not fit to joyn in then. Now the Houſe of Commons preſent to their Lordſhips a Petition, delivered to them from divers Merchants and Goldſmiths of* London, *that have great ſtore of Bullion in the Tower, and have divers Ships laden with Bullion lately come into the River, and by reaſon of the Fears and Jealouſies they have of the now Lieutenant of the Tower, they forbear to bring in their Bullion, as may appear by the Petition, which was read* in hæc verba.

January, 1641.

To the Honourable Aſſembly of the Houſe of Commons in Parliament.

The Humble Petition of the Merchants and Goldſmiths, Traders to His Majeſties Mint, with Foreign Bullion and Coin,

Sheweth,

Merchants and Goldſmiths Petition againſt the Lieutenant of the Tower, *Jan.* 17. 1641.

That many Jealouſies and Fears have riſen in your Petitioners, by reaſon of the ſudden Removal of that worthy Gentleman Sir William Balfour *Lieutenant of the Tower, and that the ſame is now Commanded by one of whom we have not that ſatisfaction, as formerly we have had.*

Your Petitioners therefore in all humility tender this conſiderable Requeſt to this Honourable Aſſembly, That there may be ſuch a Lieutenant there placed (it being a Place of ſo great Truſt and Confidence) as ſhall be thought fitting by this Honourable Aſſembly, which undoubtedly will not only ceaſe our Fears and Jealouſies in theſe diſtractive times, but will occaſion us to continue all poſſible incouragement to our Correſpondents beyond the Seas, that the Importation of Bullion and Coin (of which great quantity is newly arrived in Spain *) may have its free Courſe, as in former times, to the wellfare of Trade in general.*

And Your Petitioners ſhall pray, &c.

Henry Futter, *Nic. Corſellis*, *Diericke Ooſte*,
David Otgher, *Abra. Fortry*, with ſeveral others.

The Houſe of Commons upon this do deſire that their Lordſhips would joyn with them, humbly to Petition the King, That Sir John Byron *Knight, now Lieutenant of the Tower of* London *may be removed, and Sir* John Conyers *recommended to his Majeſty from both Houſes for that place.*

Whereupon the Merchants and Goldſmiths that Exhibited the aforeſaid Petition to the Houſe of Commons, preſented another *verbatim* the ſame to the Lords, which being read, the Houſe fell into Debate of it, and they were called in, and asked theſe Queſtions by the direction of the Houſe.

(1.) *What number of Merchants and Goldſmiths, beſides themſelves, brings in Bullion to the Mint?* To which they Anſwered, *Sir* Peter Riccaut, *and a few more, but no great number.*

(2.) *What reaſons they have for their Fears and Jealouſies of Sir* John Byron, *Lieutenant of the Tower, and why they forbear to bring in Bullion to the Mint?*

They had Conn'd their Leſſon perfectly, and therefore ſaid, *That they heard that he hath diſobeyed the Orders of both Houſes of Parliament, when he was ſent for to come and attend them. Alſo, that he is a Gentleman unknown to them; and they deſire to have ſuch a Lieutenant put in, as the Parliament approves of.*

But the Lords, it ſeems, eaſily ſaw through this little Artifice; and therefore the Merchants, &c. being withdrawn, after much conſidera-

January, 1641.

The Lords refuſe to joyn with the Commons in a Petition to diſplace the Lieutenant of the Tower.

tion, the Queſtion was put, *Whether this Houſe will joyn in an humble Petition with the Houſe of Commons to his Majeſty, to remove Sir* John Byron *Knight, from being Lieutenant of the Tower of* London, *and to place Sir* John Conyers *in that Place.* And it was Reſolved Negatively.

Several Lords enter a Proteſtation againſt the Vote for not joyning with the Commons about the Lieutenant of the Tower.

Theſe Lords following, before the Queſtion was put, demanded their Right of Proteſtation, and that they might have liberty to Enter their Diſſents to this Vote; which the Houſe gave leave unto.

Lord Admiral,
Earl of *Bedford,*
Earl of *Pembroke,*
Earl of *Leiceſter,*
Earl of *Sarum,*
Earl of *Warwick,*
Earl of *Holland,*
Earl of *Bolinbrook,*
Earl of *Stamford,*
Viſcount *Say* and *Seal,*
Lord *Wharton,*
Lord *Pagett,*
Lord *North,*
Lord *Hunſdon,*
Lord *Willoughby de Parrham,*
Lord *St. Johns,*
Lord *Spencer,*
Lord *Kymbolton,*
Lord *Brooke,*
Lord *Roberts,*
Lord *Grey de Warke,*
Lord *Newnham,*
Lord *Howard de Eſcrick.*

After which the Committee of the Houſe of Commons were called in, and the Councel of the Biſhops ſtanding at the Bar, the 12 Biſhops were ſeverally brought in, one after another.

The Biſhops anſwer to the Impeachment of the Commons.

Firſt, The Arch-Biſhop of *York* was brought to the Bar, and after he had kneeled as a Delinquent, he was commanded to ſtand up: And then the Speaker, by direction of the Houſe, told him, *That this Day was appointed for the 12 Biſhops to put in their ſeveral Anſwers to the Impeachment of the Houſe of Commons of High Treaſon againſt them, and that their Lordſhips do require him to put in his Anſwer thereunto.*

His Grace Anſwered, *That he had received an Order Dated the* 30th *of* December *laſt, with an Impeachment againſt himſelf, and* 11 *other Biſhops of High Treaſon, from the Houſe of Commons; And likewiſe divers Orders of ſeveral days, that were appointed for them to put in their Anſwers; and the laſt Order for this day, which accordingly he is come to obey their Lordſhips Commands.* And for his own Anſwer to the aforeſaid Impeachment of High Treaſon he gives his Anſwer in this manner.

I John *Arch-Biſhop of* York, *ſaving to my ſelf all advantages of Exceptions to the inſufficiency of the ſaid Impeachment, for my ſelf ſay, That I am not Guilty of the Treaſon Charged by the ſaid Impeachment, in manner and form as the ſame is therein charged.*

Then he deſired a preſent and ſpeedy Tryal, and ſo withdrew.

In the ſame manner, *Thomas* Biſhop of *Durham,* Robert Biſhop of *Coventry* and *Litchfield, Joſeph* Biſhop of *Norwich, John* Biſhop of *St. Aſaph, William* Biſhop of *Bath* and *Wells, George* Biſhop of *Hereford, Matthew* Biſhop of *Ely, Robert* Biſhop of *Oxon, Godfrey* Biſhop of *Gloceſter, John* Biſhop of *Peterborough,* and *Morgan* Biſhop of *Llandaff* were ſeverally brought to the Bar, and gave the ſame Anſwer.

The Biſhops having given in their Anſwers, the Committee of the Houſe of Commons went to their own Houſe.

Then a Petition of the Biſhops was read as followeth.

To the Right Honourable the Lords Aſſembled in the Houſe of Peers.

The Humble Petition of John *Arch-Biſhop of* York, *and other the Biſhops Impeached by the Houſe of Commons, of High Treaſon the* 30th. *of* December *laſt.*

Humbly Sheweth:

The Biſhops Petition to be ſpeedily Tryed or Bailed.

That your Petitioners by your Honourable Order of the date of the Impeachment, were to put in their Anſwers thereunto the 7th. *of this Inſtant, and have had ſit hence ſeveral days for that purpoſe aſſigned them, and are now this* 17th. *of this Inſtant brought hither by your Lordſhips Order. They always having been, as now they are, ready to obey your Lordſhips Commands, and many of them already much Impaired both in their Health and Eſtates:*

Do moſt Humbly Pray, That a Speedy proceeding may be had therein, and that in the mean time they may be admitted to Baile.

And your Petitioners ſhall ever Pray for increaſe of Honour and Divine Bleſſing upon your Lordſhips.

Jo. Eborac.
Godfr. Glouc.
Joſ. Norvic.
Tho. Dureſme.
Jo. Aſaph.
Guil. Bath & Well.
Geo. Hereford.
Mat. Elienſ.
Ro. Oxon.
Jo. Petriburg.
Mor. Landaff.
Ro. Cov. & Litch.

The Biſhops remanded to Priſon.

Hereupon, It was Ordered by the Lords, *That the day of Tryal for the twelve Biſhops which are Impeached of High Treaſon by the Houſe of Commons, ſhall be on* Tueſday *the* 25th. *of this Inſtant* January, *at the Bar of the Lords Houſe: In the mean time, the Biſhop of* Durham *and the Biſhop of* Coventry *and* Litchfield, *ſhall be remanded to the Cuſtody of the Gentleman Uſher attending this Houſe, and the other ten to be preſently remanded to the* Tower, *there to remain, until the further Pleaſure of the Houſe be known.* And a Meſſage was ſent to the Houſe of Commons by Mr. Serjeant *Finch*, and Mr. Serjeant *Glanvile*, to acquaint them with this Order.

The Lord Keeper being indiſpoſed, had by the leave of the Houſe retired himſelf, but before his going had delivered a Letter from the King, to the Speaker of the Lords Houſe for the time, which was read as follows,

To Our Truſty and Right well-beloved Councellor, *Edward* Lord *Littleton*, Lord Keeper of the Great Seal of *England.*

Charles R.

A Letter and Meſſage to both Houſes from the King concerning the Prince.

Our Will and Command is, That you deliver to the Parliament in Our Name, the Meſſage incloſed, concerning the Marqueſs of Hertford's *Atten-*

Attendance upon Our Son, and for ſo doing this ſhall be your Warrant. Given at Our Court at Windſor *the* 17th Jan. 1641.

His Majeſty hath ſeen the Order of the Lords, upon the Motion of the Houſe of Commons, given to the Marqueſs of Hertford, *concerning his Care, in attendance upon the Prince, not without Wonder, that the Parliament ſhould make ſuch an Order, which can hardly be otherwiſe underſtood, but as if there had been a Deſign of ſending the Prince out of the Kingdom, which muſt neceſſarily have reflections upon his Majeſty, the Prince being now in the ſame Place with him. And his Majeſty hath ſhewed himſelf both ſo good a Father and a King, that he thinks it ſtrange, that any ſhould have ſuch a thought, as that he would permit the Prince ſhould be carried out of the Kingdom, or that any durſt give him that Counſel.*

Whereupon it was Ordered, *That this Meſſage be communicated to the Houſe of Commons at* Grocers-Hall. And then the Houſe was adjourned till the 20*th* of *Jan.*

Mr. *Quelch* bailed.

In the Commons Houſe, It was Ordered, *That Mr.* Quelch *now in the Serjeant's Cuſtody by order of the Houſe, ſhall be forthwith bailed.* It was rare that ever they abſolutely diſcharged any Perſon, who once came under their Hands, though but for the ſlighteſt Information; and they rather choſe to let them go under Bail, by which Artifice, they both kept theſe Perſons under the Terror of their Laſh, and alſo juſtified their own Proceedings in being ſo merciful to take Bail, for ſuch Perſons, as by this means were, though never ſo Innocent, ſtill reputed Guilty, and obnoxious to the Juſtice of the Parliament.

An addition to the Committee for putting the Kingdom into a Poſture of defence.

After this there were ſeveral Declarations read, and the laſt mentioned concerning putting the Kingdom into a poſture of Defence, which was now the great Affair upon their Hands. And in Order to the better accompliſhing of it,

Mr. *Martin,*
Mr. *Sam. Brown,*
Sir *Gilbert Gerrard,*
Sir *Walter Earl,*
Sir *Tho. Bowyer,*
Sir *Robert Pye,*
Sir *John Holland,*
Lord *Fairfax,*
Sir *Hen. Heyman,*
Mr. *Seldon,*
Mr. *Bodville,*
Sir *John Evelyn,*
Sir *Tho. Barrington,*
Sir *Arthur Ingram,*
Sir *Tho. Widdrington,*
Mr. *Hill,*
Mr. *Rigby,*

were added to the Committee appointed to conſider of putting the Kingdom into a Poſture of Defence.

A Committee was alſo appointed to examine Captain *Legg*, concerning the Commiſſion and Inſtructions, which he carried down concerning the ſecuring the Magazine of *Hull.*

Thanks to the Inhabitants of *Bucks* for their readineſs to ſuppreſs the *Kingſton* Forces.

It was alſo Ordered this Day, *That the Knights of the Shire for the County of* Bucks, *do return Thanks to the Sheriff, Juſtices of the Peace, Gentry and Free-Holders of the County of* Bucks, *that have prepared themſelves in a readineſs to ſuppreſs the Forces informed to be at* Kingſton, *and to acquaint them, that this Houſe is informed, thoſe Forces are diſperſed, and therefore that at this time there is no need of their coming out of their County.*

Then it was Reſolved, &c. and accordingly Ordered, *That* Mr. *White*

Maſter

January,
1641.

Maſter of the Ship lately come from Berwick *by Order of the Houſe of Commons, with Arms and Ammunition, and under their Pay, ſhall fall down the River with the Ship, ſomewhat beyond the Command of the Tower, and no further; and that if any Perſon ſhall offer to take away the Arms and Ammunition out of the ſaid Ship, that then he ſhall call to him, the aſſiſtance of Saylors and other Perſons, for the keeping of the ſame, till further Order of the Houſe of Commons.*

They were perpetually urging the King for Arms and Ammunition, out of the Tower and other Stores for *Ireland*, yet a thought never entred into their Heads, to ſend this Ship with her Lading away for a preſent Supply, which certainly they would have done, had they not been really ſolicitous to exhauſt the King's Stores, rather than to relieve *Ireland*; and this was alſo to countenance the Fears and Jealouſies of the Lieutenant of the Tower, in Order to have him diſplaced.

The Lords having appointed a Committee of 21 Lords to conſider the matter of Breach of Privileges,

Committee to conſider of breach of Privilege.

Sir *Henry Vane*,
Mr. *Pym*,
Mr. *Hollis*,
Sir *Phillip Stapleton*,
Sir *Hugh Cholmeley*,
Mr. *Whitlock*,
Mr. *Grimſton*,
Mr. *Chancellor of Excheq.*
Sir *John Evelyn*,
Sir *Robert Coke*,
Sir *Benjamin Rudyard*,
Serjeant *Wild*,
Sir *Walter Erle*,
Sir *Thomas Barrington*,
Mr. *Prideaux*,
Mr. *Sollicitor*,
Sir *Samuel Rolle*,
Mr. *Nath. Fiennes*,
Mr. *Hampden*,
Mr. *Arthur Goodwin*,
Mr. *Cage*,
Mr. *Rouſe*,
Lo. *Falkland*,
Lo. *Gray*,
Lo. *Wenman*,
Mr. *Rogers*,
Mr. *Selden*,
Mr. *Lav. Whittacre*,
Sir *John Potts*,
Mr. *Reynolds*,
Mr. *Palmer*,
Sir *Tho. Bowyer*,
Mr. *Kirton*,
Mr. *Martin*,
Mr. *Long*,
Sir *John Hotham*,
Sir *John Holland*,
Mr. *Strode*,
Mr. *Glyn*,
Mr. *Rigby*,
Sir *Guy Palmes*,
Sir *Ralph Hopton*,
Mr. *Brown*,
Mr. *Vaughan*,
Sir *Ed. Patherich*,

were appointed a Committee to joyn with the Lords for that purpoſe, and to frame a Petition to his Majeſty.

The Committee which was appointed to be preſent at the Lords Houſe, at the Biſhops giving in their Anſwer, were

Mr. *Glyn*,
Serjeant *Wild*,
Mr. *Samuel Brown*,
Mr. *Rigby*,
Mr. *Reynolds*,
Mr. *Prideaux*,
Mr. *Palmer*,
Mr. *Whiſtler*,
Sir *Tho. Widdrington*,
Mr. *Liſle*,
Mr. *Hill*,
Mr. *Grimſton*,
Mr. *Sollicitor*,
Mr. *Peard*,
Mr. *Bagſhaw*,
Mr. *White*.

The laſt of which, a moſt bitter Enemy of the Loyal and Orthodox Clergy, took occaſion to diſplay his malice againſt them in this following Speech.

Mr. *White's* Speech againſt the Biſhops, *Jan.* 17. 1641.

* even ſuch as this ſpeech maker.

Mr. Speaker,

B*Y woful experience we have been ſenſible of the great evils committed by ill affected perſons to the peace and ſecurity of the Kingdom, producing thereby theſe dangerous and troubleſome times;* * *even ſuch are the troubles that this whole Nation and the other his Majeſties Kingdom's is fallen in to, and lies groaning under, that*

that we have not felt the like in this Land never ſince the civil diviſions between the two Houſes of York *and* Lancaſter, *or Barons wars were on foot in the ſame; nay, let theſe troubles of our times be compared with them, * they are of far more dangerous conſequence; there was in thoſe days onely the ſword to decide the controverſies, no other place choſen for that purpoſe but the field, in a Warlike and Couragious manner. In theſe our diviſions we have adverſaries of no courage or magnanimity that riſe againſt us, only ſubtil and treacherous ſpirits lying in their Cabinets, and keeping themſelves cloſe in their ſtately buildings, their deviſing on divelliſh and helliſh ſtratagems to be put ſecretly in Execution for our Deſtruction; as powder-plots, fiering privately of Towns, nay, Cities, if their endeavours might have ſucceſs according to their deſires, which ſtrikes us with amaſement and continual fear of our ſafety in our own habitations and places of livelyhood; we cannot diſcern, ſo corrupt are the hearts of moſt men who ſcarce to converſe, inhabit or eat withal, ſo malicious is Satan (working in his inſtruments) in whom he dwells, and over whom he altogether Reigns and Rules, to bring to paſs his own ends, that he works by no ways, but by practiſing of unheard or unconceived of Plots amongſt Chriſtians, as by Sorcery, Witchcraft, Poiſoning, and the like, theſe inventions can we not be aware of: A man ſeeing his Enemy, and knowing him to be ſo, may uſe means either to reſiſt or flie from him, thereby to ſave himſelf, but being in place unſuſpected to meet an Enemy, pretending himſelf a Friend, or at leaſt not knowing or conceiving him to be his Enemy, how can he be ſecure, how can he defend himſelf or Preſerve himſelf from his Malice or Deſtruction? theſe times are now filled with ſuch malignant Spirits devoted altogether to the ſervice of the Divel, labouring by all means to bring confuſion and deſolation on all the oppoſers, or not complyants to their wicked deſigns.*

* Never a truer word ſpoken.

Mr. Speaker, *having preſented to your conſiderations the manifold dangers and troubles we ſuſtain by theſe practiſes of malignant perſons, I preſume humbly to preſent to your view the Authors of the ſame, their practices to compaſs their deſires, and the means to avert and remedy the ſame, which I deſire you to conſider of, and apply the ſame as to your Judgements and Wiſdoms ſhall ſeem requiſite. The greateſt and chiefeſt Authors of our miſeries is the Biſhops and their Adherents, favourers of the Romiſh and Arminian faction, that have with a high hand and ſtretched out Arm in their ſeveral places of Power and Juriſdiction, both ſpiritual and temporal exerciſed cruelty and tyranny over the Children and Saints of God, binding the Conſciences of free Subjects only to their opimons and commands in the Exerciſe of their Religion, with extremity and greateſt ſeverity inflicting puniſhment upon thoſe of tender Conſciences that ſhall refuſe the ſame, enjoyning all of the Clergy under their Authority, to teach only ſuch things as may ſerve only to the defence and maintenance of their deviſed doctrines and Tenents of their ſuperiours, preaching the ſame out of Fear not Conſcience; theſe corrupt Biſhops Lords over their brethren and fellow ſervants in the Adminiſtration of the Myſteries of Salvation, have been the prime Authors of all the troubles we are now incumbred withal; I ſpeak not, Maſter* Speaker, *altogether againſt their perſons, but even their Offices and Places of authority as now they are uſed, contrary to the true intent of the Apoſtles in the firſt admitting of the ordination of Biſhops, in theſe particulars, as I under favour conceive.*

Firſt their denomination and ſtyle, Lord Biſhops, we find not any where allowed, nay, not named in Scripture.

Secondly, they joyn not with their authority teaching and conſtant preaching of the word of God warranted by the ſame, but ſeparated contrary thereto.

Thirdly, joyning with their Spiritual Power, temporal Juriſdiction, uſurping to themſelves the only Office of the Magiſtrate.

Fourthly, procuring to themſelves places of Judicature, chief Judges in great Courts, as their High Commiſſion, *late* Star-Chamber, *and the like, which are all contrary to the rules and ordinances of* Divine-Writ. *We cannot otherwiſe conceive or expect, as long as their Offices thus corrupted remain without limitation or correction, that ever there will be true Religion ſetled in this Land, or any peace or unity of hearts and affections in this Kingdom, being too apparent to all the world, that from age to age, ſince the Prelates have had ſuch power and command in the Common-Wealth, they have bin either the roots and founders, or Actors and Competitors with*

with others, of all the diviſions and diſſentions that have ever been in this Kingdom, either between the Prince and his People, or between the Prince and his Parliaments, and ſtill ſuch perſons of perverſe Spirits, poſſeſs ſuch Offices.

Secondly, I come to ſhew you theſe their practiſes, how they have and ſtill endeavour to bring to paſs their wicked deſigns, they are known already I verily believe, both to you and almoſt all men, that is, * *by Innovating Religion, joyning with the Church of* Rome, *approving as well of the Doctrine as Ceremonies thereof, endeavouring to bring all others into the ſame opinion with them, eſpecially the Lords and Grandees of this Kingdom: to perfect this, they raiſe diviſions between the King and his Subjects, between King and Parliament, between Lords and Commons, and between the Commons themſelves; to raiſe Mutinies, Inſurrections, Rebellions amongſt his Majeſties good Subjects, open Wars between his Majeſties Kingdomes one againſt another, and all under pretence of the Religion, to defend the Office, Power and Juriſdiction of Biſhops above all others, yea that their Spiritual power, is above the Kings in Eccleſiaſtical cauſes and the like, all which we have had woeful experience of.*

* Moſt notorious falſhood.

Thirdly, (and laſtly) the means whereby we may remedy theſe evils is. Firſt to regulate and rectifie their unlawful and uſurped Power and Juriſdictio, and ſettle ſuch a form of Government in Religion, as ſhall ſeem to the Wiſdom of this Houſe, to come neareſt the Word of God: And Secondly, with all ſpeed as we poſſibly can, upon Triall, bring to deſerved puniſhment, theſe Prelates and Biſhops, that have been the only Authors of all our miſeries.

Thus did theſe Vultures and Harpies accuſe the innocent Doves, upon whom they intended to prey and Quarry; but, God be praiſed, We have found, though by woful Experience, who were the Occaſions of all thoſe dreadful Miſeries, thoſe Wars and Bloodſhed, that Tyranny and Uſurpation under which the Nation ſo long groaned, which from the Day that it ſaw the Biſhops excluded from the Execution of their Function, and from their Right, never ſaw one happy Day, till by the Miracle of Providence, they were by the Reſtauration of the Illuſtrious Son of the Glorious Martyr, repoſſeſſed of their Office and Rights.

Then Sir *Philip Stapleton* Reported the Paper of Thanks to be returned to the *Scots* Commiſſioners, which was in theſe Words.

The Houſe of Commons having conſidered, both that Paper given in to them from the Scottiſh *Commiſſioners upon* Saturday *laſt, as likewiſe their Advice lately given to his Majeſty, by occaſion of the preſent Troubles, which at the intreaty of the ſaid Houſe, they have communicated to them; and finding therein a large Teſtimony of their Fidelity to the King; of Affection to this State; and of Wiſdom for the Honor, Security and Peace of his Majeſty and Kingdoms: doth hereby declare, That they have herein done that, which is not only acceptable to this Houſe, but likewiſe, that which is of great Advantage to both Nations; and therefore have Ordered, That Sir* Philip Stapleton, *Mr.* Hampden, *Mr.* Fiennes, *Mr.* Pym, *Mr.* Arthur Goodwin, *Sir* Henry Vane, ju. *or any three of them, ſhall return them very hearty and affectionate Thanks in the Name of this Houſe; and this Houſe doth further deſire them, That according to their Affections already expreſſed, they will continue their Care and Indeavors, to remove the preſent Diſtractions among us, as alſo to preſerve and confirm the Union between the two Nations ſo happily begun.*

The Thanks of the Houſe of Commons to the *Scots* Commiſſioners for their Papers to the King and Parliament.

And that this might appear to be not only a verbal Acknowledgment, It was this day Ordered, *That the Citizens that ſerve for the City of* London, *do take Care, that the* Scots *Commiſſioners do pay nothing for their Houſe Rent and Furniture belonging unto the ſame, and this Houſe will undertake to ſee the ſame ſatisfied.*

January, 1641.

Information againſt Serjeant *Dendy.*

After this one *Ralph Hope*, being at the Bar informed the Houſe of Commons, *That* 4th Jan. *inſtant, Serjeant* Dendy *came to Mr.* Weekes *his Houſe at the* Gate-Houſe, *and required of him, if Mr.* Hollis *lay there; whereupon he asked the Serjeant, What his Buſineſs was; the Serjeant bid him, tell him his Name; he anſwered, if he would tell him his Buſineſs, he would tell him his Name; whereupon he ſaid, I charge you upon your Life, to tell me where Mr.* Hollis *is, for he is a Traitor; how dares Mr.* Weekes *lodg a Traitor in his Houſe? he ſaid he muſt have him, and would have him, for he was a Traitor.*

Whereupon it was Reſolved, &c. *That Mr.* Dendy *Serjeant at Arms ſhall be forthwith ſent for as a Delinquent by the Serjeant at Arms attending this Houſe.*

Cromwell an Informer.

Mr. *Cromwell*, afterwards the infamous Uſurper, and Mr. *Walton*, two Members of the Houſe informed againſt a Gentleman of *Huntingtonſhire*, for Words of a high and dangerous Conſequence, whereupon it was Ordered, *That Mr. Speaker ſhall grant forth his Warrant, to bring the Gentleman in ſafe Cuſtody, that ſpake the Words, and likewiſe an Order to Summon the Informer, their Names being firſt made known unto him, by Mr.* Cromwell *and Mr.* Walton.

After which, by Vote upon the Queſtion, the Houſe did adjourn it ſelf till *Thurſday* morning next at 8 of the Clock.

But leaving the Faction in *England* for a while, driving on towards a Rupture with the King, Let us ſee, how the Affairs of their Brethren in Rebellion in *Ireland* proceeded.

And firſt I will preſent the Reader, with a Liſt of the principal Rebels, which I found among the Papers in the Clerk of the Commons Houſe of Parliaments Office, which was as follows.

The Names of the Chieftains and Septs of the meer *Iriſh*, who have taken Arms in *Ireland*, and rebelled againſt his Majeſty, and the Crown of *England*, in the Province of *Ulſter*.

A Liſt of the principal Perſons in the Rebellion in *Ireland.*

SIr Phelomy O Neil, *called by the* Iriſh, Phelony Roe O Neil *Captain General of all the Rebels, and Chieftain of the* O Neils, O Hagaus, O Quyus, O Mellaus, O Hanlous, O Corrs, Mac Cans, Mac Cawells, Mac Enallyes, O Gormeleyes, *and the reſt of the* Iriſh *Sept, in the Counties of* Tyrone *and* Ardmagh.

Tirlagh O Neil, *Brother of the ſaid Sir* Phelomy *is his chiefeſt Counceller, and is a very ſad Man, well ſeen in the Laws of* England, *which he Studied in* Lincoln's-Inn *and was of good repute there.*

Both theſe are extracted from Con More O Neil, *the Father of* Con Bacagh O Neil, *the firſt Earl of* Tirone, *whereby Sir* Phelomy *is reputed by the* Iriſh, *to be the rightful* O Neil, *with Title and Appellation, with the Dignities and Juriſdiction conceived to belong thereunto of Old he hath now aſſumed.*

Captain Rory Maguire, *Brother of* Conner *Lord* Maguire, *Lord Baron of* Empkilm *and* Donoghbane Maguire *their Uncle, are Chieftains of the* Maguires, *and all other the* Iriſh *Septs in the County of* Permanagh, *he is of a Cruel and Bloody Diſpoſition, and hath ſhed much* Engliſh *Blood, as is reported.*

Brian Mac Collo Mac Mahon, Brian Mantagh Mac Mahon *and* Neil Mac Kenna *of the* Trough, *are Chieftains of the* Mac Mahon's, Mac Kenna's, Mac Ardells, O Connellies, *the* O Duffies, *and all other the* Iriſh

January, 1641.

Septs, in the County of Monoghan, *the former of thoſe three, is a ſoft elderly Man, the two latter, are Young and Rude, though each of them hath been brought up to Civility and Learning being Wards to the King*
Inquire of the Lord Blaney *more particularly, who are the moſt Eminent Men of thoſe Rebels of* Monoghan.

Sir Con Magenys *Knight, and his Brother* Daniel, *Sons of old Sir* Arthur Magenys *late Lord Viſcount* Iveagh, *and Uncles of the now Viſcount, are Chieftains of the* Magenyſſes, Mac Cartans, *and all the other* Iriſh *Septs in the County of* Down.

Philip Mac Hugh Mac Shane O Rely *is Chieftain of the* O Relyes, O Gownes, Mac Cabes, Mac Echies, *the* Bradies, *and all the other* Iriſh *Septs in the County of* Cavan.

This Philip Mac Hugh Mac Shane O Rely *for his Eſtate and Parts is made Chieftain, but* Edmond O Rely *is the chiefeſt of the* O Relyes, *and* Edmonds *Brother* Philip Mac Mullmore O Rely, *is a more active and experienced Man, and hath done ſome Courteſies to the Diſtreſſed* Engliſh, *for which, they ſay, he is made Priſoner by the other* Philip, *but it is more probable, there is Emulation between them,* Mullmore O Rely *Son of the ſaid* Edmond, *being Sheriff of the County of* Cavan *when the Rebellion began, and commanded all the Country in the King's Name, by vertue of his Office to riſe, and take Arms, and continueth ſtill a Captain of the Rebels,* Shane Mac Philip Mac Mullmore O Rely *Son of the ſaid* Philip Mac Mullmore O Rely *is a Captain of the Rebels.*

Tirlagh O Neil, *Grandſon of Sir* Tirlagh Mac Henry O Neil, *and the Son of* Hugh Boy O Neil *(whoſe Name Sir* Faithful Forteſcue *knoweth) are Captains of the* O Neils, *of the* Fues a Baroni *in the County of* Ardmagh *within ſix Miles of* Dundalk, *in the County of* Louth, *which Town was never taken by the Rebels in any former Rebellion, but now is ſurpriſed by the* O Neils *of the* Fues.

The Lords Juſtices and Council finding the Storm grow every day Louder and more Threatning, diſpatched freſh Letters of Advice to *England*, to give an account of their Affairs; particularly this following to the Lords of his Majeſties Privy Council.

May it pleaſe your moſt Honourable Lordſhips:

A Letter from the Lords Juſtices & Council in *Ireland* to the Lords of the Privy Council in *England*, Nov: 5. 1641.

“SInce our laſt diſpatch to the Lord Lieutenant, Dated the 25*th.* of *October*, concerning the preſent Rebellion begun there, the Rebells have with great Multitudes proceeded in their out-rages, even to great cruelty againſt the *Engliſh* and *Proteſtants*, in all places where they came. They have Seized the Houſes and Eſtates of almoſt all the *Engliſh* in the Counties of *Monoghan*, *Cavan*, *Fermanagh*, *Armagh*, *Tirone*, *Donegall*, *Letrim*, *Longford*, and a great part of the County of *Downe*, ſome of which are Houſes of good Strength, and diſpoſſeſſed the *Engliſh* of their Arms, and ſome of the *Engliſh* Gentlemen whoſe Houſes they Seized (even without any reſiſtance in regard of the ſuddenneſs of their ſurpriſe) the Rebels moſt Barbarouſly, not only Murdered, but as we are informed, hewed ſome of them to pieces. They Surpriſed the greateſt Part of a Horſe Troop of his Majeſties Army, commanded by the Lord *Grandiſon*, in the County of *Armagh*, and poſſeſſed themſelves of their Arms. They apprehended the Lord *Caulfield* and Sir *Edward Trevor* a Member of this Board,

“ and Sir *Charles Pomtes*,and Mr.*Branthwait*,Agent to the Earl of *Eſſex*,
“ and a great number of other Gentlemen of good Quality,of the *Engliſh*,
“ in ſeveral Parts, whom they ſtill keep Priſoners; as alſo the Lord
“ *Blayney*'s Lady, and Children, and divers other Ladies and Gentle-
“ women. They have waſted, deſtroyed and ſpoyled whereſoever they
“ came, and now their fury begins to threaten the *Engliſh* Plantations,
“ in the Queens County, and Kings County, and by their Example the
“ Sheriff of the County of *Longford* a Native and Papiſt is likewiſe Riſen
“ in Arms, and followed by the *Iriſh* there, where they Rob, Spoyl,
“ and Deſtroy the *Engliſh* with great Cruelty.

“ In theſe their Aſſaults of the *Engliſh*, they have Slain many, Rob-
“ bed and Spoyled thouſands, reduced men of good Eſtates in Lands,
“ who lived Plentifully and well, to ſuch a condition as they left them
“ not ſo much, as a Shirt to cover their Nakedneſs. They turned out of
“ their Eſtates many of conſiderable Fortunes in Goods, and left them in
“ great want and miſery, and even the *Iriſh* Servants and Tenants of
“ the *Engliſh*, who lived under them, riſe againſt them with great Ma-
“ lignity, and joyn with the Rebels; They defaced the Chargeable
“ Buildings and profitable Improvements of the *Engliſh*, to their utter-
“ moſt Power: They threaten all the *Engliſh* to be gone by a time, or
“ they will deſtroy them utterly; and indeed they give out publickly,
“ That their purpoſe is totally to Extirp the *Engliſh* and *Proteſtants*, and
“ not to lay down Arms until by an Act of Parliament here, the *Romiſh*
“ Religion be Eſtabliſhed, and that the Government be ſettled in the
“ hands of Natives; and all the old *Iriſh* reſtored to the Lands of their
“ ſuppoſed Anceſtors.

“ Theſe and other Miſeries and Calamities the *Engliſh* and *Proteſtants*
“ of all Conditions here do ſuffer, which we cannot mention without
“ horror and grief of Heart.

“ Beſides, in theſe high Diſturbances and general miſchiefs the *Iriſh*
“ inhabiting on the Borders of the Counties of *Meath* and *Lowth*, ad-
“ joyning to the Counties of *Cavan* and *Monaghan*, do make daily Incur-
“ ſions on all the *Engliſh* near them, and Rob and Spoyl them, of all
“ they have, whereby many are utterly undon, and ruined in their E-
“ ſtates.

“ The Rebels finding their numbers to increaſe, which we are in-
“ formed to be very many, and in many Places, inſomuch as it is con-
“ ceived that they are not leſs than thirty thouſand already declared,
“ aſſemble themſelves in great Parties, whom notwithſtanding we dare
“ meet with far fewer numbers, as we hope to be Armed, and Horſed,
“ they for the moſt part being as yet meanly provided of any Arms, or
“ Munition, but ſuch only as they got from the *Engliſh* whom they
“ Robbed, and the Kings Magazins which they ſurpriſed.

“ They ſent a Party of their men to the Town of *Dundalk* an antient
“ Corporation, which held firm to the Crown in all the times of the
“ late Rebellions in this Kingdom.

“ When they approached the Town on *Saturday* laſt, it was rendred
“ up to them, without a blow ſtrucken in the defence of it.

“ They are now advancing immediately to *Drogheda*, a Walled Town
“ upon the Sea Coaſt, within twenty Miles of *Dublin*, and if they can
“ prevail there, it is conceived they will March immediately hither, to
“ Beſiege this City and Caſtle.

“ In this ſtraight, and therein our extream want of Money and Arms

“ as

January,
1641.

“as well as men adding to our grief;We conceived it became of abſolute neceſſity, to find means to imploy ſome ſtrength, as well to deter the Rebels and their Adherents, as to countenance, and if it be poſſible to preſerve the good Subjects, eſpecially in theſe Parts: And thereſore having ſent what Supplies of Arms and Munition we could to *Drogheda*, we raiſed here a thouſand Foot, conſiſting of as many *Engliſh* as we could poſſibly gather, yet a great part of them are *Iriſh*, whom we are neceſſitated to truſt,and have Armed them, and they are now Marched with two Troops of Horſe towards *Drogheda.* But if through the defection of theſe *Iriſh* in that Regiment, or any other accident it ſhould ſo happen (as God forbid) that the Rebels ſhould prevail againſt them, then conſidering the preſent State and Condition of this City, we muſt utterly diſpair of being able to keep it againſt the Rebels, unleſs we be with all poſſible ſpeed relieved from thence with Men, Money and Arms; and on the other ſide, not to ſend forth thoſe Troops, would be extreamly Dangerous, as giving not only too much heart to the Rebels, when they ſhould ſee themſelves able to come ſo far, without reſiſtance, but alſo great Diſcouragement and Terror to the well affected, when they ſhould ſee us unable to ſhew any ſtrength for their defence.

“We hold it our duties thus to acquaint your Lordſhips, with the Lamentable State; wherein this Kingdom ſtands, that ſo his Majeſty and the Parliament there, may underſtand it, and then we hope they will provide for relieving us Immediately, with ten thouſand Foot, and one thouſand Horſe, for the preſent, well Armed and further Proviſion of Arms, to furniſh the Stores; as alſo ſome able Commanders, and one hundred thouſand pound in money to pay them, and anſwer other occaſions here, which being now ſpeedily ſent us, may prevent the Effuſion of very much *Engliſh* Bloud, and the vaſt expence of Treaſure hereafter, which muſt of neceſſity be ſpent, if we be not preſently thus relieved.

“We muſt alſo make known to your Lordſhips, that upon this occaſion, many of the Noblemen and Gentry of the Pale, coming to us for Arms; as alſo many in this City, and other Towns: We held it the ſafeſt way to avoid their Suſpition of our Jealouſie of them, and ſo we yielded to ſet ſome prime Men, and ſome Counties alſo, to have Arms and Munition, for their defence, againſt the Rebels, upon deep profeſſions of their Loyalty to the Crown, who we hope will be a ſtrength to us. But however, there was no ſafety to let them lodge any thoughts of Jealouſie in us, againſt them: And our Iſſuing of Arms in that manner hath very much leſſened our ſtores.

“Sir *Faithful Forteſcue* coming lately from *Drogheda*, ſhewed us a Paper which he told us was dropped under a Stall at *Drogheda*, and ſo was brought to him, it ſeems to be a Declaration of ſome of the reaſons pretended by the Rebels for taking up Arms; which Paper we humbly offer to your Lordſhips here incloſed; as alſo two Proclamations Publiſhed by us, by occaſion of this Rebellion ſince our laſt diſpatch to the Lord Lieutenant.

“The Lord *Magwire* and Mr. *Mahown*, the two Principal Priſoners we have, we ſhould think fit to ſend into *England* for their more ſafety, and to take away from the Rebels all hope of delivering them from Priſon, by their coming hither to beſiege this Place; wherein therefore we humbly crave a ſpeedy Signification of his Majeſties, or your Lordſhips good pleaſure to be haſtened unto us.

“To quicken our Supplies from thence (without which, and that with all poſſible ſpeed, we cannot expect to live to give his Majeſty an account of this Place;) We have now written our Letters to the Lords and Commons Houſe of Parliament there, and have for the particulars referred to theſe our Letters to your Lordſhips, humbly beſeeching your Lordſhips to Communicate them to both Houſes; yet ſo we hope, as thoſe Parts thereof which your Lordſhips may eaſily judge, are fit to be kept ſecret, and being publiſhed may diſcover our Diſability to make defence, and our Apprehenſions of great and Eminent danger, may not come to common view.

“We have alſo (ſo extreamly neceſſary it is) ſent this Bearer *Richard Fitz Gerald, Eſq*; as an Expreſs Agent or Sollicitor from this State, to attend his Majeſty and your Lordſhips; that ſo by his Majeſties gracious Interpoſition, and your Lordſhips Mediation for us to the Parliament there; the ſuccors we expect may be ſent us, which if they come not immediately (we crave leave to repeat it again and again) the Kingdom will be utterly loſt, and all the *Engliſh* and *Proteſtants*, in *Ireland* deſtroyed, and ſo *England* inſtead of Subjects will have Enemies here, who will continually diſturb the Peace of that Kingdom, as well from hence as from Forreign Powers; for no way will be left unattempted by them, whereby the Peace of that Kingdom may be diſturbed, and then of neceſſity, *England* muſt be forced to undertake a new conqueſt of this Kingdom; for a politick Reformation will then become impoſſible, and to make a new Conqueſt, will be now more difficult and chargeable, then in any former times, in reguard the Ports and Inland Towns, and the Principal Strengths will be immediately loſt, as ſome of them already are, which are now more in number by much, then were here in former times, and the People better diſciplined in the rules of War, beſides many other advantages they have, as well by the return hither of Commanders of the *Iriſh*, who ſerved in Forreign Nations, as otherwiſe, which they wanted in the time of former Rebellions there; and beſides all the meer *Iriſh* now in the Service of the King of *Spain*, will undoubtedly return hither, to joyn with the Rebels; And ſo we humbly take leave and remain from his Majeſties Caſtle of *Dublin*, 5. *November*, 1641.

Your moſt Honourable Lordſhips
humbly at Commandment.

Will. Parſons.
Jo. Borlaſe.
J. Dillon.
Ant. Midenſis.
Jon. Kaphoe.
Cha. Lambart.
Ad. Loftus.
J. Temple.
Cha. Coote.
P. Crosbie.
Tho. Rotherham.
Ja. Ware.
Rob. Meredith.

A Letter from the Lords Juſtices & Council in *Ireland*, to the Speaker of the H. of Commons. *No.* 5th. 1641.

A Letter of the ſame Date was alſo ſent to the Speaker of the Houſe of Commons, in theſe words:

SIR,

Such are the preſent Calamities under which all the Engliſh *and* Proteſtants *in* Ireland *do now ſuffer, as if Supplies of Men, Money, and Arms, come not ſpeedily forth of* England *hither, it cannot be avoided, but the Kingdom muſt be loſt, and all the* Engliſh *and* Proteſtants *here deſtroyed,*

ſtroyed, wherefore as we have now humbly repreſented the ſame more fully to the Lords of his Majeſties moſt Honourable Privy Council, and formerly to his Majeſty and to the Lord Lieutenant of this Kingdom; ſo we adjudge it fit by theſe our Letters to you, to make it known to the Honourable the Commons Houſe of Parliament there, who cannot but foreſee the many other grievous and Lamentable Conſequences which the looſening of this Kingdom muſt unavoidably bring to England; *and certainly this Kingdom and the Lives of Us all here, and all the* Proteſtants *in the Kingdom were never in ſo great Danger to be loſt, as at this inſtant; no age having produced in this Kingdom an example of ſo much Miſchief done in ſo ſhort a time, as now we find acted here in leſs then a fortnights ſpace, by Killing and Deſtroying ſo many* Engliſh *and* Proteſtants *in ſeveral Parts, by Robing and Spoyling of them; and many thouſands more of his Majeſties good Subjects, by Seizing ſo many Caſtles, Houſes and Places of Strength, in ſeveral Parts of the Kingdom, by threatning the* Engliſh *to depart, or otherwiſe that they will deſtroy them utterly; and all their Wickedneſs acted againſt the* Engliſh *and* Proteſtants *with ſo much Inhumanity and Cruelty, as cannot be imagined to come from Chriſtians, even towards Infidels. We comfort our ſelves with this hope; That by the Bleſſing of God on the Wiſdom of that Honourable Houſe, we may have ſudden and full Supply from thence, whereby we may be enabled to preſerve the Kingdom, and conſequently prevent the further Lamentable Miſchiefs which may otherwiſe follow. And ſo we remain from his Majeſties Caſtle of* Dublin, 5. November, 1641.

Your very aſſured Loving Friends,

Will. Parſons.
Jo. Borlaſe.
J. Dillon.
Ant. Midenſis.

Joh. Raphoe.
Cha. Lambart.
Ad. Loftus.
J. Temple.

P. Crosbie.
Cha. Coote.
T. Rotherham.
Ja. Ware.
Rob. Meredith.

Sp. of Com.

A Letter from the Lords Juſtices & Council of *Ireland*, to the Speaker of the H. of Commons. *No.* 13*th.* 1641.

And after this another Letter was diſpatched to the Speaker of the Houſe of Commons, which ſpoke this Language:

SIR,

BY Letters from the Lord Lieutenant of this Kingdom we obſerve, how ſenſible the Honourable Commons Houſe of Parliament there is, of the Inſolencies of the Rebels here, and of the preſent danger of the whole State and Kingdom, and the readineſs and forwardneſs wherewith that Honourable Houſe hath ordeined Aids and Supplies for us, which exceedingly Comfort us, amidſt the Diſtreſſes wherein we now ſtand. And we crave leave, as to acknowledg with moſt hearty thanks to that Honourable Houſe, the High Favour we have therein received, and our joyful apprehenſion thereof; ſo to intreat moſt earneſtly, that the Supplies may be haſtened unto us, with all poſſible ſpeed, in ſuch a proportion as by our Letters of the fifth of November *to the Lord Lieutenant we humbly moved, and in ſuch manner as by our Letters now ſent to his Lordſhip we humbly deſire, wherein if all poſſible ſpeed be not uſed, the deliverauce intended by that Honourable Houſe to this State and Kingdom, may be prevented, and ſo the Cruel and Barbarous Rebels become poſſeſſed of the Kingdom, which we*

Submit

January,
1641.

Submit to the deep Judgement of that Honourable Houſe. And ſo we remain from his Majeſties Caſtle of Dublin, 13. November, 1641.

Your very aſſured Loving Friends,

Will. Parſons.
Jo. Borlaſe.
Ormond Oſſery.
J Dillon.
Cha. Lambart.
Ad. Loftus.
Gerrard Lowther.
P. Croſbie.
Ja. Ware.
Rob. Meredith.

Sp. of Com. Houſe.

But the Parliament of *England*, as may be obſerved before in the preceeding Tranſactions of the two Houſes, though they made a mighty buſtle and noiſe about relieving of *Ireland*, made but very ſlow ſteps towards the Suppreſſing of the Rebellion in good Earneſt. And notwithſtanding the preſſing inſtances and repeated Meſſages of his Majeſty to forward that Affair; they were two much taken up with the Management of their own Deſigns to aſſiſt that diſtreſſed Kingdom to any purpoſe. They gave a great many good words, and ſent over Letters full of Promiſes of Men, Money and Proviſions, but all the courſe they took was to borrow Money of the City of *London*, and the Merchants, which was not conſiderable for ſuch a Work, and for Men; though the King offered preſently to raiſe 10000. Volunteers, if the two Houſes would undertake to pay them; they would by no means hear of it; but did all they could to diſcourage thoſe Levies, by queſtioning ſuch as beat up Drums for Volunteers for that Service.

By this means and by ſome other Actions before recounted, this Rebellion which was at firſt but a few Sparks, and might without difficulty have been Extinguiſhed, grew to be an Univerſal Flame: And nothing can be more evident then that how general ſoever the Conſpiracy was, many of the *Iriſh* ſtood at Gaze to ſee what would become of the Firſt Commotions; but obſerving the little Force which was in *Ireland* to oppoſe them; the little probability of Succors from *England*; the great Animoſities and Diſſentions, and a Proſpect of a Civil War in *England* between the King and the two Houſes; and being incouraged with hopes of Forreign Aſſiſtance, it Imboldned thoſe to Enter into Actuall Rebellion, who if any conſiderable Force had been ſent to Suppreſs them, would difficultly have Expoſed themſelves and their Poſterity to Infamy and Ruin, of which, for their former Rebellions againſt the Crown of *England*, their Nation was able to produce ſo many fatal Inſtances.

But all theſe unhappy Circumſtances concurring, the generality of the Nation of the *Romiſh Religion* became in a lettle time actually ingaged in the Rebellion; and incouraged by their Multitudes, and ſome little Succeſſes, they managed their Affairs with that Barbarous Cruelty and Inhumanity as will not only leave an Eternal Infamy upon the Actors; but thereby they Treaſured up ſuch a ſtock of Divine Vengeance, as afterwards fell upon their own Heads in the moſt remarkable Retaliations, that any Ages had ſeen, or almoſt any Nation felt.

But among all their Bloody Actions and Impolitick Policies, their contributing to Murder the Reputation of the Beſt of Princes, was certainly one of the greateſt of their Crimes, and for which they paid the deareſt: For by giving out ſuch Reports as they did, that they were the Queens Army, and that they had a Party in *England* which would aſſiſt them; the Faction of the two Houſes, whoſe Malice was Rampant againſt the King, laid ſo much force upon theſe Calumnies, that the King to vindicate his Reputation from the Popular Odium of theſe Reports, was obliged to commit a great Power of the *Iriſh* Affairs, and to intruſt much of the War in the hands of the two Houſes; and to diveſt himſelf almoſt of all Power of ſhewing them Mercy, or granting them Pardon. And it is incredible how much Miſchief theſe Reports did to his Majeſties Affairs, and what deep Impreſſions theſe Stories, which were only little Artifices to countenance their Rebellion, made in the minds of the Common People of *England*, who, at that time were prepared to receive without the leaſt doubting whatever was pronounced by the Leaders of the Faction to be true. And becauſe it may caution Poſterity againſt ſuch fatal Credulity, I will preſent the Reader with ſome Papers which have come to my Hands in ſearching among the waſt Papers of the Clerks Office of the Commons Houſe, whereby he will be able to ſee, with wonder, that ſo great a Structure of Rebellion ſhould be built upon ſo narrow a Foundation; I know that Fame is a perfect inverted Cone or Pyramid, which from ſome ſmall point, ſtill the higher it riſes, the wider it ſpreads. The firſt Paper is a Letter under Sir *Phelim O Neals* own hand, and the very Original Letter, which was ſent by the Perſon to whom it was Written, as I ſuppoſe, to ſome of the *Scotiſh* Nation, and by them handed to the Commons Houſe, and was in theſe words.

A Letter of Sir *Phelim O Neils* to Sir *William Hamilton.*

Honoured Sir,

I *Have appointed Captain* Turlogh O Neale, *with his Forces to go down into your Parts, to defend and maintain the* Catholick Religion; *Wherefore I would intreat you, if you give us no help (as all other Catholicks in England* and *Ireland do) to keep your ſelf quiet at home, and to ſend the ſaid Forces your beſt advice; you ſhall receive no hurt, where I can do my ſelf or you good; and ſo with my Service unto your ſelf, and my Honoured Lady of* Strabane, *unto whom I ſhall be ready to perform any Service,*

In the Power of,

23th. November, 1641. Phe. O Neill.

I am to be with the Forces of Evagh, Monaghan *and* Cavan, *to meet our* Conaght *Lords at* Dery *very ſhortly.*

Superſcribed,

For his much Honoured and very Loving
Friend, Sir Will. Hamilton *Knight,*
theſe with my Service,
Paſs.

From this one Parentheſis (*as all the* Catholicks of *England* and *Ireland* do) the Faction improved the Scandal, not only to the Ruin of the Reputation of all the *Papiſts* in *England*, but by virtue of thoſe words, *and their Adherents*, *Popiſhly Affected*, which always followed at the heels of the *Papiſts*; they drew in the Biſhops, and Epiſcopal Clergy, and all the Loyal Nobility and Gentry, and Commoners of *England*, into this Drag Net of Scandal, and poſſeſſed the Vulgar, eſpecially of *London*, with a moſt Unalterable belief, that there was the ſame Deſign by the Prelates, Papiſts and Evil Councellors of the King, to act the ſame Cruelties againſt them, as the Rebels had done againſt the miſerable Proteſtants In *Ireland*; and this was one of the greateſt Arts, by which they raiſed and ſupported the inſuing Rebellion, in which as they grew in ſtrength and ſucceſs, they ſhook hands ſo far with all modeſty and duty, as to reproach even the King himſelf, with theſe horrible Calumnies and Defamations.

This following Letter was alſo Intercepted going to *France*, and brought to the Houſe of Commons.

Corke *this 20th. of* November.

A Letter from one Mr. *Roche* Intercepted going to *France*

Loving Brother,

Your laſt Letter I have received, being very glad of your forwardneſs in your Studies, you ſhall underſtand that our Mother and all our Friends are in good Health. I doubt not but my Couſin James *doth Supply your Wants, if not, certifie me thereof, that I may ſee you Supplyed by another, who very willingly will do it: I hope your Brother* Morris *will be one of the firſt that will go that way, and that ſhortly; there be a great number of* Iriſh Catholicks *out in* Ulſter, *who have taken many Towns and Caſtles there, and daily do increaſe in Men;* Their Cauſe of Rebellion, as they ſay, was for fear they ſhould be Troubled for their Religion, and to no other intent, and if that they can have freely, they will put up their Arms, and refer themſelves to the Parliament here; if this they cannot have, we are like to have a troubleſom time in this Kingdom; God ſend us Peace: They call themſelves the Queens Army; they could never in ſo ſhort a time have accompliſh't what they have done, if they had not ſome great ones to help them, which is not diſcovered as yet. *God ſend us not leſs Liberty then we had, and then we ſhall not need to complain. Write to* Dominick Coping *Eſq; and give him thanks for the* 40 s. *ayear he was pleaſed to give you during your Study, though as yet he gave me none, yet certifie him of the receipt of ſo much by my Order, and then I ſhall have it. So having no more at this time but my Love to your ſelf, my Bedfellow and little* Morris *remember their Love to you, and ſo I reſt,*

Your Loving Brother *John Roche*.

Directed *A Monſieur,*
Monſieur Jaques de la Roche
Eſtudient Ibernois au College
de Raiemes Solit donne.
A Paris.

See here the moſt horrible Scandals afterwards fixed upon the Queen, and the King himſelf by the Calumniating Faction, built upon the pitiful Foundation, of an, *as they ſay*, and *they call themſelves the Queens Army*, and the conjectural Opinion of a private Perſon, that the Rebels, as he calls them, *had ſome great Ones to help them*, which the leading Men of the two Houſes, did as confidently aver, for poſitive and undoubted Truths, as if they had had a Diſcovery under the King or the Queens own Hand and Seal; and to make the People believe it, they ſo vigorouſly preſſed, that the Queen might make an Open and Publick Declaration, to be ſent to *Ireland*, diſavowing all manner of Countenance or Aſſiſtance to the Rebels, or the Rebellion; which was deſigned purpoſely to blemiſh Hers and the King's Honor, by ſpreading the Suſpition which the Faction had, that they were concerned ſecretly in this deteſtable Rebellion.

There were indeed ſome great Perſons I doubt not who gave the Rebels all the Countenance, Encouragement and Aſſiſtance they could Poſſibly; but I am for ſetting the Saddle upon the Right Horſe. Cardinal *Richelieu*, I make no doubt, who was in his time the great Incendiary of *Europe*, and who had had a great ſhare in the management of the *Scottiſh* Rebellion, as before hath been obſerved, had alſo, a very great Influence both upon this Rebellion in *Ireland*, and that which followed it in *England*, as in due time I ſhall indeavour to make it appear. And to fortifie this Opinion, I will preſent the Reader with the Information of Mr. *James Wiſhert* a *Scot*, who in a Letter to Mr. *Pym* gives this account of himſelf, and the Intelligence he got among the Rebels during the ſpace of 12 Weeks that he was a Priſoner among them; and ſince I have not found that *Mr. Pym* made this Information publique, which confirms me in the Opinion that this was a tender point, and *Richelieu* too much a Friend to their own wicked deſigns to be diſcovered or Expoſed, I think my ſelf bound to give Poſterity all the light I have been able to diſcover, to enable them to look into the dark and horrid Contrivances of the Conſpirators of that Age; and the rather, in regard it may be a Caution to ſucceeding Times, and may give them ſome Reaſon to ſuſpect that there may be dangerous Confederacies even between the Pretenders to Reformation, and the greateſt Papiſts though for different Ends, the Reformers to ſecure themſelves from Juſtice by embroyling the Nation, and the Popiſh Miniſters of Forreign Nations, to keep us buſie at home, that ſo we might not be at leizure to keep the ballance even, as the Kings of *England* have ever had the Honour to do; but that our hands being tied behind us by domeſtique Diviſions, they might be at Liberty by the Power of their Arms to Extend their Empire and Ambition beyond the Bounds and Limits, within which the Wiſdom of former Ages had reſtrained them.

The Information was as followeth:

Mr. *Wiſhert's* Information that Cardinal *Richlieu* fomented the *Iriſh* Rebellion.

Occurrences that I learned for truth, the time of my Bondage, Firſt by Mr. Thomas Flemyng *Father-in-Law to the Lord* Inchekilling, *and divers others in the Camp, That General* O Neil *with the Rebels had ſent one* Chriſtopher Ultache *a Frier to the Cardinal* Richelieu, *whom he detained five Weeks till he ſhould ſee further of their Succeſs; then they ſent another Frier called* Newgent, *with whom they ſent the true Relation of all their proceedings; whereupon the Cardinal hath aſſured to ſend them* 16000 *Sute of Arms for Foot, and* 6000 *for Horſe to* Dunkirk, *and from thence to be ſent to* Wexford, *there to be received by the* O Tooles. Bearns *and the* Mac Farralds; *and if they could not land there, to land at* Carlingford, *to be received by the* Mac Gennis'es *and* Mac Carties.

As alſo that Con Oghe O Neil *the Lawful Heir of the Houſe of* Tyrone, *with Colonel* Preſton, *Uncle to the Viſcount* Gormanſtown, *are in* Weſt Flanders, *and have written to all the* Iriſh *in the* Spaniſh *Service, the Emperor's Service, or elſewhere, and they are to meet them at* Dunkirk, *and ſo to come from thence with all the Proviſions they can make. That*

January, 1641.

Tredagh *is of ſuch Conſequence, that the Rebels Eſteemed it of Ineſtimable Value, in regard of the Strength thereof, the Ammunition of Powder, Ball, Cannon, and other things therein, and of the near Situation thereof to* Dublin, *the Rebels aſſured themſelves of the Kingdom if they had it, and* Dublin *were not able to reſiſt them.*

To his Truſty and Well beloved
Mr. John Pym.

John Wiſhert.

Upon the 16*th* of *November* the Parliament met at *Dublin*, where little was done more than the making this enſuing *Proteſtation.*

The Proteſtation and Declaration of the Iriſh Parliament againſt the Rebellion.

The *Proteſtation* and *Declaration* of the Lords Spiritual and Temporal, and Commons in Parliament Aſſembled.

WHereas the Happy and Peaceable Eſtate of this Realm hath been of late and is ſtill interrupted by ſundry Perſons, ill-affected to the Peace and Tranquillity thereof, who contrary to their Duty and Loyalty to his Majeſty, and againſt the Laws of God and the Fundamental Laws of this Realm, have Trayterouſly and Rebelliouſly raiſed Arms, ſeiſed upon his Majeſties Forts and Caſtles, and diſpoſſeſſed many of his Faithful Subjects of their Houſes, Lands and Goods, and have ſlain many of them, and committed other Cruel and Inhumane Outrages and Acts of Hoſtility within this Realm. The ſaid Lords and Commons in Parliament aſſembled, being juſtly moved with a right Senſe of the ſaid Diſloyal and Rebellious Proceedings and Actions of the Perſons aforeſaid, do hereby Proteſt and Declare, That the ſaid Lords and Commons from their Hearts do deteſt and abhor the ſaid Abominable Actions: and that they ſhall and will to their uttermoſt Power maintain the Rights of his Majeſties Crown and Government of this Realm, and the Peace and Safety thereof, as well againſt the perſons aforeſaid, their Abettors, Adherents, as alſo againſt all Forreign Princes, Potentates, and other perſons and attempts whatſoever; And in caſe the perſons aforeſaid do not repent of their aforeſaid Actions, and lay down Arms, and become humble Suitors to his Majeſty for Grace and Mercy in ſuch convenient time, and in ſuch Manner and Form as by his Majeſty, or the Chief Governor or Governors, and the Council of this Realm ſhall be ſet down, the ſaid Lords and Commons do further proteſt and declare, That they will take up Arms, and will with their Lives and Fortunes, ſuppreſs them and their Attempts, in ſuch a way, as by the Authority of the Parliament of this Kingdom, with the approbation of his Excellent Majeſty, or of his Majeſties chief Governor or Governors of this Kingdom ſhall be thought moſt effectual.

Some overtures of an Accommodation however were made by ſome of the Rebels, as appears by this Letter Addreſſed to the Lord *Dillon* Viſcount of *Coſteloe*, one of the Lords of the Council of *Ireland*, which he preſented to the Board upon the 10*th* of *Novemb.* 1641.

The *Longford* Letter to the Lord Viſcount *Coſteloe, Nov.* 10. 1641.

Our very Good Lord.

OUR Alliance unto your Lordſhips Anceſtors, and your ſelf, and the Tryal of your and their performance of Truſt unto their Friends in their greateſt Adverſity, encourageth us and engageth your Honour to our fruition of your future favours; The fixion our Confidence in you before any other of the Peers and privy Councellors of the Kingdom doubleth this Obligation. Your Lordſhip may therefore be pleaſed to acquaint the Lords Juſtices and Councel (to be imparted unto his Sacred Majeſty) with our Grievances, and the cauſes thereof, the reading of which we moſt humbly pray, and the manner of it.

Firſt, the Papiſts in the neighbouring Counties are ſeverely puniſhed, and their miſeries might ſerve as Beacons unto us to look unto our own, when our Neighbours Houſes are on fire: And we and other Papiſts are, and ever will be as loyal Subjects as any in the King's Dominions; For manifeſtation whereof we ſend herein incloſed an Oath ſolemnly taken by us, which as it received indelible Impreſſion in our hearts, ſhall be ſign'd with our hand, and ſeal'd with our Blood.

Secondly, There is an incapacity in the Papiſts, of Honour and the Immunities of true Subjects, the royal Marks of diſtributive Juſtice, and a diſfavour in the Commutative, which raiſ'd Strangers and Forreigners, whoſe valour and vertue was invincible, when the old Families of the *Engliſh*, and the Major part of us the meer *Iriſh*, ddi ſwim in blood to ſerve the Crown of *England*; and when Offices ſhould call Men of worth, Men without Worth and merit obtain them.

Thirdly, The Statute of the 2 *Eliz.* of force in this Kingdom againſt us and they of our Religion, doth a little diſanimate us and the reſt.

Fourthly, The avoidance of Grants of our Lands and Liberties by Quirks and Quiddities of the Law, without reflecting upon the Kings Royal and real Intention for confirming our Eſtates, his Broad Seal being the pawn betwixt his Majeſty and his people.

Fifthly, The reſtraint of purchaſe in the meer Iriſh of Lands in the Eſcheated Counties, and the taint and blemiſh of them and their poſterities doth more diſcontent them than that plantation Rule; for they are brought to that Exigent of poverty in theſe late times, that they muſt be ſellers and not buyers of Land.

And we conceive and humbly offer to your Lordſhips conſideration (*Principiis obſta*) that in the beginning of this Commotion, Your Lordſhip, as it is hereditary for you, will be a Phyſitian to cure this Diſeaſe in us, and by our Examples it will doubtleſs beget the like auſpicious ſcuceſs in all other parts of the Kingdom: For we are of opinion it is one ſickneſs and one pharmach will ſuffice, *Sublata cauſa tollitur Effectus*: And it will be recorded, that you will do ſervice unto God, King, and Countrey; And for ſalving every the aforſaid Soars your Lordſhip is to be an humble Suitor in our behalf, and of the reſt of the Papiſts, that out of the abundance of his Majeſties Clemency, there may be an Act of Oblivion and general pardon without reſtitution or Account of Goods taken in the time of this Commotion, a liberty of our Religion, a repeal of all Statutes formerly made to the contrary, and not by Proclamation but Parliamentary way: A Charter free Denizen in ample manner for meer *Iriſh*: All which in ſucceeding Ages will prove an Union in all his Majeſties Dominions inſtead of Diviſion, a Comfort in Deſolation, and a Happineſs in perpetuity for an eminent Calamity. And this being granted there will be all things. *Quæ ſunt Cæſaris Cæſari*, and *Quæ ſunt Dei Deo*. And it was by the Poet written (though he be prophane in other matters, yet in this) prophetically *Diviſum Imperium cum Jove, Cæſar habet*; All which for this preſent we to leave your Honourable Care: And we will, as we ever did and do remain,

Your very humble and aſſured, ever to be Commanded,

Hugh mac Gillernow Farrall.
James Farrall.
Bryan Farrall.
Readagh Farrall.
Edmond mac Cael Farrall.
John Farrall in Carbuy.
Garret Farrall.
Liſagh mac Conel Farrall.
Bryan mac William Farrall.
James mac Trig Farrall, his Mark.
Morgan mac Carbry Farrall.
Donnagh mac Carbry Farrall.
Richard mac Conel Farrall.
William Mac James Farrall.
James Farrall.
Taghna mac Rory Farral.
Cormack mac Rory Farrall.
Conock mac Bryne Farrall.

John

January,
1641.

John mac Edmund Farrall.
John Farrall.
Roger mac Bryne Farrall.
Barnaby Farrall.
Redeagh mac Liſagh Farrall.
Connor Oge mac Connor Farrall.
Edmond mac Connor Farrall.
Cahel mac Bryne Farrall.

Before the Parliament broke up, the Popiſh Lords deputed the Lord *Dillon* to go into *England*, to carry over their Deſires to the King, and to repreſent the Means, which they thought fitteſt for the ſuppreſſing of the Rebellion, and he with the Lord *Taaf* imbarqued for *England*; but by ſtreſs of Weather the Veſſel was driven into *Scotland*, and they took their way by Land for *London*. But the Parliament having notice of their coming, they were by Order of the Commons ſeized upon, and brought up in ſafe Cuſtody, and all their Papers ſearched and Examined. So unwilling it ſeems was the Faction, that any Addreſs ſhould be made to the King, or that any Steps ſhould be made towards the reducing that Kingdom to his Majeſties Obedience, by any ſort of Treaty or Accommodation.

By this procedure though they gained upon the good Opinion of the People, whoſe ſavor they moſt induſtriouſly courted, and to whom nothing ſounded more pleaſant, then what ſeemed to expreſs a Hatred and Deteſtation of the *Iriſh* Rebellion and Religion; yet certainly was it a means of running the Rebels into ſuch Extremities, as diſpair of Mercy are wont to produce in thoſe, who have tranſgreſſed the Bounds of Law and Duty, and know their Lives and Eſtates without it, to be forfeited to Juſtice.

But for the better underſtanding of this and ſome other Particulars, the Reader may peruſe the following Extracts of ſome Letters from the Board in *Ireland*, which I found among the old Papers of the Clerk of the Parliaments Office.

Extract of a Letter of the Lords Juſtices and Council of *Ireland*, to the Lord Lieutenant, dated the 25th of *November*, 1641.

Extract of divers Letters of the Lords Juſtices & Council of *Ireland*, to the Lord Lieutenant; received the 6 of *December* by Mr. *Fitz-Girald*, read *Dec.* 10. 1641.

THe Rebels in the County of Wexford *increaſing daily, have taken the Caſtles of* Arickloe, Limbrick, *the Lord* Eſmond's *Houſe, and* Fort-Chicheſter, *places of good Strength and Importance. The Rebels alſo in the County of* Wickloe *have laid Siege to his Majeſties Caſtle of* Wickloe; *thoſe in that Caſtle were in fight with them Yeſterday, what the iſſue is we yet hear not; and ſome of thoſe Rebels in the County of* Wickloe *have dared to come within four Miles of this City, and ſwept away great droves of Cattle: And in both Counties, as well* Wickloe *as* Wexford, *all the Caſtles and Houſes of the* Engliſh, *with all their ſubſtance are come into the hands of the Rebels, and the* Engliſh *with their Wives and Children ſtrip'd naked, and baniſhed thence by their fury and rage. The Rebels in the County of* Longford *do ſtill increaſe alſo, as well in their Numbers as in their Violence.*

The Ulſter *Rebels are grown ſo ſtrong, as they have ſufficient Men to leave behind them, in the places they have gotten Northward, and to lay Siege to ſome not yet taken, as* Emiskillin *in the County of* Fermanagh, *and* Agher *in* Tirone, *and yet to come many thouſands to beſiege* Drogheda, *in view whereof within* 3 *or* 4 *Miles they have ſtood with their Colours flying ſince* Sunday *the* 21*ſt of* November, *expecting more Forces from* Cavan *and that way, to gird the Town round about: They have already taken* Mellifont, *the Lord* Moor's *Houſe, though with the* *loſs of about* 120 *Men of theirs, and there (in cold blood) they murdered Ten of thoſe that manfully defended that place.*

We hear alſo that the whole County of Lowth, *both Gentry and others, are joyned with the Rebels, and that the Sheriff and* John Bellew *Eſq; is likewiſe with them; this County being one of the five of the* Engliſh *Pale, having formerly ſtill been true to the Crown.*

In the County of Meath *alſo (being the moſt conſiderable of the five) all the Common People and many of the younger Sons of the Gentry beyond the River of* Boyne, *Twenty Miles from* Dublin *do either joyn with the Rebels, or otherwiſe rob and ſpoil the* Engliſh *Proteſtants till within Six Miles of* Dublin.

We ſent to Drogheda 1100 *Foot, and* 3 *Troops of Horſe, and cauſed Four other Foot Companies to be raiſed there; and this day we ſend thither* 600 *Foot more, raw Men, and unexperienced, and another Troop of Horſe: And we provide the beſt we may for the defence of this City, yet moſt of the Men we have are not Trained nor Exerciſed, and many of them are* Iriſh, *for others we have not; and we fear that when we come to blows, many of thoſe will forſake their Commanders, and ſide with the Rebels, as they have done in the Counties of* Cavan *and* Wickloe, *where of Companies of* 40 *Men of our Soldiers, not above ſix or ſeven ſtayed on our ſide, but took part with the Enemy. Our main indeavour is to preſerve this City and Caſtle for his Majeſty.*

The Rebels have now framed an Oath, which they Adminiſter to all that joyn with them, the Copy whereof you have here incloſed, as it was taken out of ſome Copies ſcattered abroad for all Mens view.

To conclude, we renew our Suit for our Supplies of 100000 l. *in Money,* 10000 *Foot and* 1000 *Horſe in preſent, and Arms and Munition for them, and for the Stores and Places of Defence not yet loſt; and that ſo much Money, Men and Arms as are already gotten may be ſent onward, and the reſt to be ſent after, and that the third part of the Shot be Callivers, and the other two parts baſtard Muskets, as more ſuiting with the Service of this Kingdom; and if thoſe Supplies be not immediately ſent away, the Kingdom will be in danger to be loſt.*

Extract of a Letter of the ſaid Lords Juſtices, and Council of the 26th of *November*, to the ſaid Lord Lieutenant.

We have received information, That the Lord Viſcount Dillon, *who Two Months ſince was admitted to be a Member of this Board, and is now imployed by the Lords Houſe of Parliament here to attend his Majeſty, carries along with him, or is to have ſent after him ſome Writing Signed by many Papiſts of the Nobility and Gentry of this Kingdom; which Writing, as we are Informed, contains a profeſſion of Loyalty to his Majeſty, and an offer of themſelves by their Power to reprieve this Rebellion without Aids of Men from* England; *which if there be any ſuch, his Lordſhip, though a Member of this Board, hath not Communicated with us the Juſtices, who ought to be made acquainted with what may have Relation to the Safety of the Kingdom.*

But if the Lord Dillon's *Counſel ſhall tend any way to ſtay the Succours intended to be ſent us out of* England, *or to entertain his Majeſty with a belief, that thoſe here will raiſe ſufficient Force to reduce this Kingdom, we humbly beſeech leave to declare our Opinions herein: That is, that if our expected Succours from* England *be kept from us, undoubtedly the*

January, 1641.

the Engliſh *and Proteſtants of this whole Kingdom will be either put to the Sword, or be forced to forſake the Kingdom, and the ſole Power and Sway in all Magiſtracy muſt neceſſarily fall into the hands of the* Iriſh, *which will at their own pleaſure ſhake off the Government of* England, *and ſet up their Idolatrous Religion, and prove the moſt dangerous Enemies to* England.

We do confide ſo much in the Wiſdom of His Majeſty, and the Parliament of England, *and your Lordſhips prudent Conduct, of a matter ſo highly importing the State, as that they will not, to ſave a little charge, expoſe both Kingdoms to ſuch Dangers, after the expence of ſo much* Engliſh *Blood and Treaſure as hath been ſpent to gain this Kingdom, nor will the charge be loſt in overcoming this Rebellion by the Wiſdom and Valour of* England, *when it ſhall be abundantly recompenced, not only in the ſettlement of a more firm Peace and Safety to* England, *but alſo in raiſing a greater and more conſiderable Revenue here to the Crown then formerly, out of the Eſtates of the Authors of the miſchief.*

The Rebels keep from us all Acceſſes to our Markets, to ſtarve us, as they ſay, nor can we help it for want of Men to ſend abroad ſeveral ways: So it will be abſolutely neceſſary, that the Magazine of Victuals on the Engliſh *Sea-Coaſts on this ſide be fully ſtored with all ſpeed, that Supplies be haſtened hither to* Dublin.

A Regiment of a 1000 *Men raiſed in* Munſter *by Colonel* Garret Barry *for* Spain, *was Commanded to Disband by the Lord Preſident, but they continue ſtill as they were, increaſing in their numbers. We have not yet ſufficient force to compel them, and it is doubted that he expects there ſome Arms from Foreign Parts, ſo as it appears neceſſary that the Shipping deſigned for guarding thoſe Coaſts be haſtened away ſpeedily.*

Extract of a Letter of the Lords Juſtices and Council, to the Lord Lieutenant Dated the 27th of *November*, 1641.

W*E hear that ſome have given out, that our Dangers here are not ſo great as we declare, which miſinformations, if they ſhould gain credit there, might cauſe the leſſening or retarding our Supplies, which perhaps may be the aim of thoſe that have ſo miſinformed, if any can be ſo wicked; and though we hope that ſuch reports cannot be of equal value or eſtimation with the joynt repreſentations of this State, yet we crave leave to declare, that the Rebellions, are ſuch and ſo great, as we have formerly repreſented, and far more dangerous then Words can expreſs, and we affirm, That if thoſe Supplyes come not ſpeedily, the Danger will be found far more lamentable to both Kingdoms, and we beſeech, that no Credit be given to the contrary.*

The Diſturbances are now grown ſo general, that in moſt Places, and even round about this City within 4 *Miles of us, not the open Rebels of mere* Iriſh, *but the Natives Men, Women and Children joyn together and fall on their Neighbours, that are* Engliſh *or Proteſtants, and Rob and Spoil them of all they have, nor can we help it, for want of Men, Arms and Money, being fearful to ſeparate too farr, the little Strength we have here in* Dublin, *leſt we be beſieged, and yet we have bin neceſſitated this Day, to ſend ſome of thoſe we could hardly ſpare, to deliver ſome of the King's Subjects in the County of* Wickloe, *likewiſe to ſend ſome to* Drogheda *for addition of Strength, ſo as in the mean time we muſt indure thoſe publick Affronts to be put upon us.*

Tet if the 10000 *Foot, and* 2000 *Horſe which are to come from* England, *and the* 10000 *Men, which are to come from* Scotland, *be ſent us immediately with* 200 *thouſand Pounds in Money and Arms, to arm more Men here, we conceive ſome hope to overcome, even this next Summer, this Rebellion, with Honor to his Majeſty, and future ſafety to the Kingdom, but if thoſe Succors be not totally ſent but leſſened, then the War will be drawn out into a length of time, which will be more troubleſom and chargeable to* England, *and leſs comfortable to the good Subjects here.*

We beſeech your Lordſhip to ſend ſome Ingineer, hither, as ſoon as conveniently may be, we being here in great want of ſuch.

We alſo pray, That the Shipping intended for guarding theſe Coaſts, may be haſtned away, we finding great Cauſe of Doubt, by ſeveral Examinations taken, that the Rebels expect Aids from Forraign Parts, both of Men, and Arms.

And laſtly, We beſeech your Lordſhip, that all Noblemen and Gentlemen, who have Eſtates in this Kingdom, and are now in England, *may be commanded away hither, to partake in the labor of Keeping, as they have hitherto injoyed the Fruit of having thoſe Eſtates.*

After the Prorogation of the Parliament, ſeveral Members of both Houſes were deputed by Commiſſion under the great Seal, and accordingly had Instructions from the Lords Juſtices to treat with the Rebels, but their little Succeſſes, and the ill Deſtiny, which hung over their Heads, rendred them ſo Inſolent, that thoſe Indeavors proved fruitleſs and ineffectual to that Degree, that in Contempt and Diſdain of the Offers of Peace, they tore the Order of Parliament, and the Letter that was ſent unto them.

Matters growing every day more deſperate, the Lords Juſtices and Council addreſſed themſelves to the Speaker of the Commons Houſe in *England*, to preſs the performance of the neceſſary Relief, which had been ſo often promiſed from thence. The Letter was in theſe Terms.

A Letter from the Lords Juſtices and Council to the Speaker of the Commons Houſe in *England*, 27 *Nov.* 1641.

SIR,

T*He Advertiſements we have from the Lord Lieutenant of this Kingdom, and from you of the continued Care expreſſed by that Honorable Houſe for the deliverance of this Kingdom, and his Majeſties faithful Subjects therein, from the preſent Calamities under which we now groan, have brought unto us great Comfort and inward Contentment: And therefore we crave leave to acknowledg with all Thankfulneſs, the great Wiſdom and Piety therein manifeſted by that Honorable Houſe, to the preſervation of God's true Religion, the Glory of his Sacred Majeſty, the Honor of that Nation, and the prepetual Comfort of all his Majeſties faithful Subjects.*

It yet remains that all poſſible Speed be uſed, in haſtning unto us the Succors deſigned for us, leſt otherwiſe they come too late, to derive to this Kingdom, the benefit intended them by that Honorable Houſe; and ſo We remain, From his Majeſties Caſtle of Dublin 27 November 1641.

Your very aſſured loving Friends,

William Parſons, *John Borlaſe*,
La. Dublin, *Ormond Oſſory*, *R. Dillon*,
J. Dillon, *Ant. Midenſis*, *Cha. Lambert*,
Adam Loftus, *Go. Shurley*, *J. Temple*,
Ja. Ware, *Robert Meredith.*

January, 1641.

Earl of Ormond made Lieutenant General of the Army in *Ireland*.

Whileſt the Rebels thus daily increaſed in Succeſs, and conſequently in ſtrength and Numbers, and that Supplies were very ſlowly advanced in *England*, and the Earl of *Leiceſter* deſigned by his Majeſty for that Government made no great haſt, the ſlowneſs of the Parliaments Preparations, indeed not permitting him, to repair to that important, and now dangerous and now troubleſome Charge, he by the King's Approbation made the Earl of *Ormond* Lieutenant General of the Army, and accordingly ſent him a Commiſſion to that purpoſe. And doubtleſs both his Quality, and great Intereſt in that Nation, and a Fidelity to the Crown of *England*, drawn down from ſo long a diſcent of Illuſtrious Anceſtors of moſt approved Loyalty, as well as the particular eſteem which the Wiſe and Noble Earl of *Strafford*, had entertained of his promiſing Merits, gave his Majeſty a full Aſſurance and Satisfaction in that Choice, which, as afterwards thoſe greater Truſts, which his Majeſty was pleaſed to confer upon him, he diſcharged, with that extraordinary Prudence, Courage and matchleſs Loyalty, as will for ever ſet his Reputation and Honor among the Chief of thoſe great Names, who have been tranſmitted to Poſterity, both for their brave and Generous Actions, and admirable Conſtancy in ſuffering all the Miſeries of an adverſe Fortune, rather than comply with ſuch terms as might blemiſh and ſully their Memories with the leaſt ſtain of diſloyalty or infidelity to their Religion, Prince and Country; as the Part which his Lordſhip had both in the better and more ſiniſter Fortune of his King and Country, will in the Enſuing Hiſtory make moſt evident.

His Lordſhip being veſted in this Command, made all the application he was capable of, and the narrow Circumſtances of Affairs would then admit, to put things into a Poſture to oppoſe the Rebels; and accordingly Levies of Men were made at *Dublin*, and divers of the poor people who from all Parts came flocking thither for Sanctuary, being diſpoiled by the Rebels, were formed into Companies and Regiments; but they were a ſort of raw, unexperienced and diſpirited Men, and not likely to prove good Souldiers in ſo ſhort a time, as the Event juſtified.

For the *Rebels* under the Command of Sir *Phelim O Neal* drawing down towards *Tredagh*, upon which Place they had fixed their chief Deſign, the Lords Juſtices upon Information from Sir *Henry Tichburn* the Governor there, reſolved to ſend a re-inforcement to that Garriſon, which was a Place of ſuch Importance, as that upon the preſervation or loſs thereof depended in a great meaſure the Fate of the whole Kingdom. Accordingly 600 Foot under the Command of Major *Roper*, and a Troop of Horſe under the command of Sir *Patrick Weames*, were immediately ordered to March for *Tredagh*; the very day that they parted from *Dublin*, there was an Advertiſement brought to the Board, that ſome of the Rebels Army was paſſed over the River *Boine*, with an Intention to intercept them in their Paſſage; whereupon the Earl of *Ormond* by Direction from the Council, diſpatched an Expreſs to advertiſe them thereof; and from thence to paſs on to *Tredagh*, and to give Sir *Henry Tichbourn* notice of the approach of this intended Relief, and the Deſign of the Rebels, and to order him to take all poſſible Care of ſecuring their Paſſage. Which Sir *Henry* by the ſame Meſſenger gave his Lordſhip aſſurance, he would not fail to do, and accordingly, that very Day he marched out with a conſiderable Party to meet them; but theſe looſe and ill diſciplined Men, not uſed to Military Af-

January, 1641.

The *Engliſh* going to relieve *Tredagh* defeated.

fairs, took up their Quarters at *Batruby*, eight Miles ſhort of *Tredagh*, by which means, he miſſed of joyning them that Night. The next Day they continued their March, but in a diſorderly way, till they came to *Julian*'s Town, where, the Rebels having notice from the Lord *Gormanſton*, as Sir *John Temple* from Mr. *Creightſton*'s Examination affirms, were drawn up to intercept them, and by reaſon of a Miſt which then fell, and through the negligence of the Scouts, who were ſent out to give Intelligence they were got within Musket Shot of the Enemy, before they diſcovered them. The Major however drew them up preſently into what Order he could, and they were in a Place of great advantage; but a Lieutenant unfortunately giving out the Word Counter-march, and thereupon the Men facing about in ſome Diſorder, the Rebels gave a hideous Shout and immediately charged them. Which with their own fear unaccuſtomed to the dreadful Face of War, put them into ſuch Confuſion, that they could not be perſuaded to make one Charge, but throwing down their Arms they every Man fled, and gave the Rebels an Eaſy, though conſidering the Number a bloody Victory, for of the whole Party only Sir *Patrick Weames* with the Horſe, the Major and 2 Captains, with about 100 Men eſcaped to *Tredagh*, the other three Captains with all the reſt of the Soldiers, except ſuch as were *Iriſh*, being there cut off, and all the Arms, Ammunition and Carriages, being alſo taken by the Rebels.

This unfortunate Blow, as it gave great incouragement to the Rebels, ſo it did extremely deject the Spirits of the *Engliſh* and Proteſtants; but to inliven them a little, Sir *Charles Coot*, who with a commanded Party was ſent out into the County of *Wicklow*, to repreſs the Inſolencies of the *Brins* and *Tooles*, who ravaged that Country, committing many Depredations and Murthers upon the Proteſtants, meeting with *Luke Toole* with a thouſand *Iriſh* under his Command, he ſet upon him, and quickly routed them, obliging him and his Men, to take the Sanctuary of an *Iriſh* Bogg for his Security. At *Wicklow* he cauſed ſome of thoſe who were accuſed of the Spoiles and Robberies there, to be Executed, which the Rebels,took for a Pretence to Revenge,by the Murder of many Proteſtants, which fell into their Hands.

20000 *l.* arrives out of *England.*

About this time there arrived 20000 l. in pieces of Eight, which went currant for 4*d.* more in a piece then in *England*, which was a very ſeaſonable Supply, and gave ſome Life and Spirit to the drooping Affairs of the Proteſtants, and enabled the Government to carry on the Levies, with which they were now in Hand: his Majeſty alſo, aſſiſted by the Duke of *Richmond*, had cauſed ſuch Proportions of Arms and Ammunition, with all the Money he could ſpare, to be conveyed out of *Scotland*, with Commiſſions to Sir *Robert Steward*, and other Perſons of Quality in the North of *Ireland*, to give the Rebels a diverſion on that ſide.

The King ſends Mony and Arms to *Ireland* from *Scotland.*

But the Rebels had ſet their Reſt upon the taking of *Tredagh*, and therefore quitting the North, with the greateſt of their Forces, they drew down towards that Place. But in their March thither, Sir *Phelim O Neil* and Sir *Con Mac-gennis* made an Attempt upon *Liſnegarny*, where Sir *Arthur Terringham*, who commanded a ſmall Party of 400 Foot, and was aſſiſted by the Lord *Conwayes*, and part of Captain *St. John*'s Troop to the number of 380 Horſe, gave them ſuch warm Entertainment, that they were repulſed with conſiderable loſs, both of Men and Reputation, leaving ſix of their Colours, and many of their Rebellious Adherents ſlain upon the Place, without any conſiderable loſs on the

The Rebels repulſed at *Liſnegarny*, by Sir *Arthur Tiringham.*

January, 1641.

Proteſtants Side, more then of Captain *Boid* and Captain *St. John*, who fell in the Field of Honor, with ſome private Soldiers, and ſome few others, who were wounded in the Incounter. And before they ſate down before *Tredagh*, a Party of 1300 Foot beſieged *Mellifont* the Lord *Moore's* Houſe, where were only 24 Muſketeers and 15 Horſe, who bravely defended the Place, till their Ammunition was ſpent, and then the Horſe ſetting open the Gate, made their way through the Enemy in deſpight of their Oppoſition, and came ſafe to *Tredagh*, and the Foot yielded upon Promiſe of fair Quarter, which was but ill kept by the Rebels, who killed ſome of them in cold Blood, ſtripped the reſt and Plundered the Houſe, carrying away whatſoever was of any Uſe or Value.

And now the Lords and Gentlemen of the *Pale* ſeeing the Succeſs of the Northern Rebels, and the little Force that was raiſed in *Ireland*, or brought over from *England* to oppoſe them, began to falter in their Loyalty alſo; and under the pretence of Fears and Jealouſies, the Common Ingredients of Rebellious Deſigns, to ſtand upon their Guard, and to give too juſt Suſpitions to the Government, that they would rather joyn with the Rebels then aſſiſt to the Suppreſſing them. The Lords Juſtices and Council therefore reſolving to try them, ſent this Letter to them:

A Letter from the Lords Juſtices and Council to the *Iriſh* Lords of the *Pale.*

After our very hearty Commendations to your Lordſhip, for as much as we have preſent occaſion to confer with you, concerning the preſent State of the Kingdom, and the ſafety thereof in theſe times of danger; We Pray and require your Lordſhip to be with us here on the 8th. *day of this Month, at which time, others of the Peers are alſo to be here. And this being to no other end, we bid your Lordſhip very heartily farewell. From his Majeſties Caſtle of* Dublin *the third day of* December, 1641.

Your very Loving Friends,

To our very good Lord,
George *Earl of* Kildare.

Will. Parſons.
Jon. Borlaſe.
Ormond Oſſery.
Ant. Midenſis.

R. Dillon.
Ad. Loftus.
Ge. Shirley.
J. Temple.
Rob. Meredith.

The like Letters were the ſame day diſpatched to the Earl of *Antrim*, Earl of *Fingale*, Viſcount *Gormanſton*, Viſcount *Netervile*, Viſcount *Fitz-William*, Lord *Trimbleſtone*, Lord *Dunſany*, Lord *Slane*, Lord of *Hoath*, Lord *Lowth*, Lord *Lambert*.

But the Lords of the *Pale* who had been already Treating with the Northern Rebels, and therefore looked upon this as an artifice to enſnare them, durſt not adventure themſelves to *Dublin*, but Summoning an Aſſembly at the Hill of *Tarah*, the Lord *Gormanſton* brought thither an Anſwer ready drawn, which being read, and approved of, was Signed by the Lords preſent, and ſent away; the Copy whereof was as followeth:

The Anſwer of the Lords of the *Pale* to the Lords Juſtices, Dec. 7. 1641.

May it pleaſe your Lordſhips,

We have received your Letters of the third of this Inſtant, intimating that you had preſent occaſions to confer with us, concerning the preſent State of the Kingdom, and the ſafety thereof in theſe times of *of danger, and requiring us to be with you there on the eighth day of this Inſtant; we give your Lordſhips to underſtand, that we have heretofore preſented our ſelves before your Lordſhips, and freely offered our advice and furtherance towards the particulars aforeſaid, which was by you neglected, which gave us cauſe to conceive that our Loyalty was ſuſpected by you. We give your Lordſhips further to underſtand, that we have received certain Advertiſement, that Sir* Charles Coot *Knight, at the Council Board, hath uttered ſome Speeches tending to a purpoſe and reſolution, to Execute upon thoſe of our Religion a general Maſſacre, by which we are all deterred to wait on your Lordſhips, not having any ſecurity for our ſafety from theſe threatned Evils, or the ſafety of our Lives; but do rather think it fit to ſtand upon our beſt guard until we hear from your Lordſhips how we ſhall be ſecured from theſe Perils. Nevertheleſs, we all proteſt that we are and will continue both Faithful Adviſers, and reſolute furtherers of his Majeſties ſervice, concerning the preſent State of the Kingdom, and the ſafety thereof, to our beſt Abilities: and ſo with the ſaid tender of our humble ſervice, we remain,*

Your Lordſhips humble Servants,

To the Right Honourable our very good Lords the Lords Juſtices and Council of *Ireland.*	*Fingale,* *Slaine,* *Nettervill,* *Lowth,*	*Gormanſton,* *Dunſany,* *Oliver,* *Trimbleſton.*

Decemb. 7. Received 11. 1641.

For much about this time the Lords of the *Pale* had entered into a Combination with the *Ulſter* Rebels, as appears by the Depoſition of *Edward Dowdall* Eſq; a Gentleman of the *Pale*, who was preſent at the whole Management of this Affair, and deeply concerned in all their Councels and Actions, who Depoſed before Sir *Rob. Meredith* Chancellour of the Exchequer, as followeth:

The Depoſition of Mr. *Dowdall* concerning the Treaty between the Lords and Gentlemen of the *Pale*, and the *Ulſter* Rebels.

HE Depoſeth, *That ſome four or five days after the defeat of the* Engliſh *Souldiers at the Bridge of* Gellianſtown, *there Iſſued a Warrant from the Lord of* Gormanſton *to the Sheriff of the County, for a general Meeting of all the County of* Dulick: *But the Place of Meeting was afterwards changed to the Hill of* Crofty, *where all the Lords and Gentry of the Country met*, viz. *The Earl of* Fingale, *the Lord Viſcount* Gormanſton, *the Lord of* Slaine, *the Lord of* Lowth, *the Lord of* Dunſany, *the Lord of* Trimbleſtone, *the Lord* Nettervile: *And of the Gentry, Sir* Patrick Barnwall, *Sir* Chriſtopher Bellow, Patrick Barnwall *of* Kilbrew, Nicholas Darcy *of* Plattin, James Bath *of* Acharn, Garret Ailmer *the Lawyer*, Cuſake *of* Gormanſton, William Mallone *of* Leſmullin, Sedgrave *of* Kileglan, Linch *of the* Knos, Lynam *of* Adamſtown, Laurence Doudal *of* Athlumney, Nicholas Doudal *of* Brownſtown *this Examinates Brother, and him this Examinate with a Multitude of others, to the number of* 1000. *Perſons at the leaſt, whoſe names he this Examinate cannot for the preſent call to mind. And after about two or three hours ſpent upon the ſaid Hill of* Crofty *by the Lords and Gentry aforeſaid: There came towards them, Collonel* Mahowne, Philip O Rely, Hugh Boy Rely, Roger Moore, Hugh Birne, *and Captain* Fox, *attended on with a Guard of Muſqueteers: And this Examinate ſaith, That as ſoon as the Parties drew*

January, 1641.

drew near unto the ſaid Hill, the Lords and Gentry of the Pale *rode towards them, and the Lord of* Gormanſtone, *being one of the firſt, ſpake unto them, and demanded of them, Why, and for what reaſon they came Armed into the* Pale; *Unto which* Roger Moore *made preſent Anſwer, That the Ground of their coming thither, and taking up Arms, was for the Freedom and Liberty of their Conſciences, the maintenance of his Majeſties Prerogative, in which they underſtood he was Abridged, and the making the Subjects in this Kingdom as free as thoſe in* England *were: Whereupon the ſaid Lord of* Gormonſton, *deſired to underſtand from them truly and faithfully, whether thoſe were not pretences, and not the true ground indeed of their ſo doing, and likewiſe whether they had not ſome other private ends of their own; which being by all denyed, upon profeſſion of their ſincerity, his Lordſhip the Lord* Gormanſton *then told them: Seeing theſe be your true ends, we will likewiſe joyn with you therein: unto which courſe all agreed. And thereupon it was publickly and generally declared, that whoſoever ſhould deny to joyn with them, or refuſe to aſſiſt them therein, they would account him as an Enemy, and to the utmoſt of their Power labour his Deſtruction. And this Examinate ſaith, That after the agreement ſo made as aforeſaid, There iſſued another Warrant to the Sheriff of the County of* Meath, *to Summon all the Lords and Gentry of the County of* Meath, *to be at the Hill of* Taragh *about a week after; and accordingly there met at the ſame place the Earl of* Fingale, *the Lord of* Gormanſton, *and the reſt of the Lords and Gentlemen aforenamed, together with Sir* Thomas Nugent, *and* Nicholas Plunket *the Lawyer,* Birford *the Lawyer, and a multitude of others; and the work of that day was firſt to make Anſwer to a Summons made by the State for the calling of the Lords unto* Dublin; *which Anſwer was brought ready drawn by the Lord of* Gormanſton, *and preſented by his Lordſhip, and being peruſed by the ſaid Council at Law, was Signed by the Lords.*

The Board having Information that *Luke Netterville* Eſquire, *George Blackney* of *Richenhore* Eſquire, *George King* of *Clantarf*, and others, were Aſſembled at *Swoords*, they ſent to charge them upon their Allegiance forthwith to depart and not to unite any more in ſuch a manner, as by the following Order from the Board appears.

By the Lords Juſtices and Council.

William Parſons, John Borlaſe.

An Order of the Lords Juſtices and Council to diſſolve an unlawful Aſſembly at *Swoords*, *Dec.* 9. 1641.

W*Hereas we have received Information, that* Luke Nettervile *Eſq;* George Blackney *of* Rickenhore *Eſq; and* George King *of* Clantarfe *Gentleman; and other Gentlemen of the County of* Dublin, *with great numbers of Men, are Aſſembled together in a Body at* Swoords *and thereabouts, within ſix Miles of this City, for what intent we know not, but apparently to the Terror of his Majeſties good Subjects; and though conſidering the unſeaſonableneſs of this time, choſen for ſuch an act without our privity (whatſoever their pretence is) a conſtruction might be made thereof to their diſadvantage; yet we being willing to make an Indulgent Interpretation of their Actions, in regard of the good opinion we have of the Loyalty of thoſe Gentlemen, who (it ſeems) are principals amongſt them in that Aſſembly, and conceiving there may be ſome miſtaking in that enterpriſe, we have choſen the rather hereby to charge the ſaid* Luke Netterville, tervile, Blackney, King, *and all the Perſons there Aſſembled with them, upon their duties of Allegiance to his Majeſty, immediately upon ſight hereof to ſeparate, and not to unite any more in that manner without direction from us: and that the ſaid* Netervile, Blackney, King, *and ſix others of the Principal Perſons, of thoſe who are ſo Aſſembled at* Swoords, *or thereabouts as aforeſaid, do appear before us to morrow morning at ten of the Clock, to ſhew the cauſe of their Aſſembling in that manner, whereof they may not fail at their extream Perils. Given at his Majeſties Caſtle of* Dublin, 9. Decemb. 1641.

Ormond Oſſery, J. Temple,
Rob. Dillon, Charles Coot.
Cha. Lambart,

But inſtead of Obedience to the Commands of their Lawful Superiors they returned this Anſwer; *That they were conſtrained to meet there together for the ſafety of their Lives; That they were put into ſo great a Terror by the riſing out of ſome Horſe Troops and Foot Companies at* Dublin, *who Killed four* Catholicks, *for no other reaſon than that they bore the name of that Religion, as they durſt not ſtay in their Houſes; and therefore they reſolved to continue together, till they were aſſured by their Lordſhips of the ſafety of their Lives, before they ran the hazard thereof, by manifeſting their due obedience to their Lordſhips.* And there they began to form a kind of an Army, Conſtituting *Richard Golding, Thomas Ruſſell, Francis Ruſſell, Robert Travers, Chriſtopher Hollywood* and others, to be Captains over ſuch Men as they had, and intended to Raiſe.

Hereupon the Lords Juſtices and Council Publiſhed a Proclamation the 13*th.* of *December*, Declaring their Innocency, and that thoſe four they alledged were Killed as *Pupiſts*, one of which was a *Proteſtant*, were ſuch as were found actually Guilty of Rebellious Courſes; commanding them upon their Allegiance to his Majeſty, to ſeparate upon ſight of their Warrant, and that the ſaid *Luke Netterville* and his Accomplices ſhould appear before the Board on the 18*th.* of the ſaid Month, to the end they may be fully heard by the Lords Juſtices and Council, to which end their Lordſhips thereby gave them and every of them, the Word of the State, that they might then ſecurely and ſafely repair thither, without danger of any trouble or ſtay whatſoever.

But they took little notice of theſe Commands, or Promiſes, but continued ſtill at *Swoords*, and their Numbers increaſing, they threatned to come and Incamp at *Clantarfe*, a little Village Situate upon the very Harbor of *Dublin*, where ſome of their Party had already at low Water Seized and Plundred a Barque lying there, carrying a great part of the Goods they took from Aboard her, to the dwelling Houſe of Mr. *King*, who was owner of that Village. This inſolent and daring Villany, put the Board upon a very quick and ſevere Reſolution, fearing that if they ſhould in good earneſt Seize upon that Village, and make any Fortifications there, by the Aſſiſtance of the Rebels Ships at *Wexford*, they might ſtop up the Haven of *Dublin*, and prevent all Relief from coming to them from *England*, which was the only Remainder of hopes which they had left. And therefore the ſaid *King* continuing in his Contumacy with the other Gentlemen at *Swoords*, an Order of Councel was Iſſued to Proſecute the Rebels at *Clantarf*, and their Relievers, as follows:

By

By the Lords Juſtices and Council.

William Parſons. John Borlaſe.

Order of the Lords Juſtices and Council for proſecuting the Rebels at *Clantarſ, &c.* 14th. Dec. 1641.

FOraſmuch as divers of the Inhabitants of Clantarſe, Raheny *and* Kilbarrock, *have declared themſelves Rebels, and having Robbed and Spoiled ſome of his Majeſties good Subjects, are now aſſembled thereabouts in Arms in great Numbers, Muſtering and Training of their Rebellious Multitudes, to the Terror and Danger of his Majeſties good Subjects as well at Land as at Sea, which their boldneſs is acted in ſuch a manner, as to put ſcorns and Affronts upon this State and Government, they acting ſuch Depredations even before our Faces, and in our own View, as it were in deſpight of us; It is therefore Ordered, that our very good Lord the Earl of* Ormond *and* Oſſery, *Lieutenant General of the Army, do forthwith ſend out a Party of Souldiers of Horſe and Foot, to fall upon thoſe Rebels at* Clantarſe *and thereabout, who in ſuch diſdainful manner ſtand to outface and dare us; and to endeavour to cut them off, as well for Puniſhment of them, as Terror to others, and to Burn and Spoyl the Rebels Houſes and Goods, and to prevent their further annoying of the Shipping going out and coming in, and lying in Harbour; thoſe Souldiers are to bring up or cauſe to be brought up to the new Crane at* Dublin, *ſuch of the Boats and Veſſels now lying there as they can upon the ſudden, and to Burn, Spoyl, Sink, and make unſerviceable the reſt. Given at his Majeſties Caſtle of* Dublin, 14th. December, 1641.

Ormond Oſſery, J. Temple,
Rob. Dillon, Cha. Coote,
Cha. Lambart, Fr. Willoughby.
Ad. Loftus,

Alſo the ſame day an Order was Iſſued from the Board for Proſecuting the Rebels at *Swoords*, as followeth.

By the Lords Juſtices and Council.

William Parſons. John Borlaſe.

An Order of the Lords Juſtices & Council for proſecuting the Rebels and their Relievers at *Swoords*, Dec. 14th. 1641.

WHereas divers Rebels lately Aſſembled at Swoords *and other Places, where they continued in Warlike manner, braving this State, and Robing and Spoyling his Majeſties Good Subjects thereabouts, in Scorn and Contempt of this Government, and Terror of his Majeſties well affected Subjects thereabouts: And whereas thoſe Rebels have been harboured and relieved by the Inhabitants of* Swoords, *and other Places, who have ſhewed ſo much readineſs to comply with them, and good affection towards them, as they did not in all the time they continued there ſend us any Advertiſement thereof; or of the Number or Strength of the Rebels, whereby we might take a courſe to Vindicate his Majeſties Honour in this State and Government, from the Scorn and Affront of the Rebels, and render deliverance and ſafety to his Majeſties good Subjects. It is therefore Ordered, That our very good Lord, the Earl of* Ormond *and* Oſſery, *Lieutenant General of his Majeſties Army, do forthwith ſend out a Party of his Majeſties Forces Horſe and Foot, to fall upon thoſe Rebels, and their ſaid Relievers, and Harbourers, and to cut them off, and as well for Puniſh-*

Puniſhment of thoſe their Relievers, as for Terror to others, to Burn, Spoyl, and Deſtroy the Houſes, Corn, and all other Goods of the ſaid Relievers at Swoords, *or other Places where the Rebels have been or are Relieved. Given at his Majeſties Caſtle of* Dublin, *the* 20th. *day of* December, 1641.

Ormond Oſſery, Cha. Coote,
Cha. Lambart, Fr. Willoughby,
Ad. Loftus, Ja. Ware.
Jo. Temple, Rob. Meredith.

And accordingly the next day Sir *Charles Coot* with a Commanded Party, went to *Clantarfe* and ſet the Village on Fire, Burning their Boats and Houſes, ſo that they were diſabled from making that Place a Neſt of Pyrats, and from giving Diſturbance to the Haven of *Dublin* as was feared.

Of theſe Occurrances and the Deplorable condition to which they were then reduced, being on all hands Surrounded with Arms aud Dangers, and ill-aſſured of the Fidelity of the Inhabitants of the City of *Dublin*; the Board gave a large account to the Earl of *Leiceſter*, Lord Lieutenant of *Ireland*, in this enſuing Letter.

A Letter from the Lords Juſtices & Council, to the Lo. Lieutenant of Ireland, Dec. 14th. 1641.

May it pleaſe your Lordſhip;

BY your Letters of the third of *December*, we made known to your Lordſhip, that Mr. *Hawtrige* was then newly arrived with the Treaſure ſent us from thence, which came but to ſixteen thouſand five hundred fourſcore and ten pounds, a ſupply of Treaſure far ſhort of that which is now become neceſſary to perform any conſiderable ſervice here againſt the *Rebels*, whoſe numbers are increaſed wonderfully, inſomuch as the Forces they have about *Drogheda* on all ſides it, and between *Drogheda* and this place, reaching even within four miles of this City, are upon very credible report, conceived to be above twenty thouſand men, and beſides thoſe numbers who are ſo united between this and *Drogheda* and thereabouts, there are many thouſands of them diſperſed the whole Kingdom over; for the meaner ſort of people firſt riſe generally; and then thoſe of better quality follow after: and the fire which was firſt kindled in *Ulſter*, and lay a while ſmothered in other parts, begins now to break out ſo generally, as the defection now appears to be univerſal throughout the whole four Provinces; ſo ſtrangely rooted was the combination, and that ſtrengthned under the ſpecious ſhew of a War for Religion; for although before and ſince the Caution we had from your Lordſhip, We have on our part endeavoured not to give any apprehenſion to the *Iriſh*, that *England* doth intend to make it a War of Religion, yet as we formerly made known to your Lordſhip the *Rebels* labour mainly to have it ſo underſtood. Nay, they now go ſo far as they call themſelves generally the Catholick Army, a Title which hath drawn many thouſands to their party, and yet many joyned with them for no other reaſon than becauſe they ſaw our Succours expected forth of *England* and *Scotland* deferred; they rightly judging, that without thoſe Succours, we are not able to defend them our ſelves; and indeed until thoſe Succours come, they muſt and will ſtill encreaſe; but if our men and arms were once arrived, the very countenance of their coming would draw many from them to us, and give ſtop to the fury, with which they yet carry all before them whither ſoever they come.

They continue their rage and malignity againſt the *Engliſh* and Proteſtants, who if they leave their goods or cattel for more ſafety with any Papiſts, thoſe are called out by the *Rebels*, and the Papiſts goods and cattel left behind; and now upon ſome new Councils taken by them, they have added to their former, a farther degree of cruelty, even of the higheſt nature, which is to proclaim, That if any *Iriſh* ſhall harbour or relieve any *Engliſh*, that be ſuffered to eſſcape them with his life, that it ſhall be penal even to death to ſuch *Iriſh*; and ſo they will be ſure though they put not thoſe *Engliſh* actually to the Sword, yet they do as certainly and with more cruelty cut them off that way, than if they had done it by the Sword; and they profeſs they will never give over until they leave not any ſeed of an *Engliſh-man* in *Ireland*.

Nor is their malice toward the *Engliſh* expreſſed only ſo, but further even to the Beaſts of their fields, and improvements of their hands, for they deſtroy all Cattel of *Engliſh* breed, and declare openly, that their reaſon is, becauſe they are *Engliſh*; ſo great is their hatred, not only to the perſons of the *Engliſh*, but alſo to every ſpecies of that Nation; and they deſtroy all improvements made by the *Engliſh*, and lay waſte the Habitations.

We formerly ſignified to your Lordſhip, that to take away all jealouſie from the Papiſts of the *Engliſh Pale*, we would furniſh them with ſome Arms, and the rather becauſe we well know that in the laſt great Rebellion in *Ireland*, the *Engliſh Pale* ſtood firm to the Crown of *England*; and that the Rebel *Tyrone* in the height of his power and greatneſs, was never able to get into the *Pale* with his Forces, whileſt he was in Rebellion; and upon this occaſion, the Noblemen and Gentlemen of the *Pale*, making deep profeſſions of their Loyalty to His Majeſty, in imitation of their Anceſtors, and with expreſſions ſeeming to abhor the Contrivers of this Rebellion here, againſt whom they offered their power and ſtrength, ſo as they might have Arms; and we being well aſſured, that if we could gain their concurrence with us, it would much facilitate our work; we did at their earneſt ſuit iſſue for them Arms for one thouſand ſeven hundred men, wherewith divers Companies were armed by them, and ſome of themſelves were appointed Governors of the Forces of the Counties, and Captains of their Companies; but ſo many of thoſe Companies revolted to the *Rebels*, and carryed away their Arms with them, as we have recovered back but nine hundred and fifty Arms; ſo as thoſe whoſe Loyalty we had reaſon to expect would help us, are now thorough their diſloyalty turned againſt us, and are ſtrengthned with our own Arms; and without all queſtion, if thoſe of the *Engliſh Pale* had done their parts as became good Subjects with their Arms they had from us, and thoſe they might gather amongſt themſelves, they might with our help not only have defended the *Pale*, againſt the *Rebels*, but might alſo have prevented the ruin and deſtruction, wrought by their Tenants and Neighbours on the poor *Engliſh* and Proteſtants among them; for the Noblemen and Gentry ſate ſtill and looked on, whileſt the *Engliſh* and Proteſtants were ruined before their faces; the Papiſts in the mean time remaining ſecure, without the loſs of goods, or any thing elſe.

A Letter from the Lords Juſtices & Council, to the Lo. Lieutenant of Ireland, Dec. 14th. 1641.

When we ſaw the power and ſtrength of the *Rebels* ſtill growing upon us more and more, and approaching by degrees more near to us, and the *Engliſh* and Proteſtants robbed and ſpoiled even within two miles of this City, in diſdain and affront of this State, which are ſcorns of ſo high a nature as we could not endure, if we had ſtrength ſufficient to repreſs their inſolencies; and when we obſerved the retarding of our Succours of Men and Arms from *England* or *Scotland*, neither of both Succours being yet come, nor as we heard ſo much as in view there or in *Scotland*; and when we found apparently that for want of thoſe ſupplies, we became in a manner ſo contemptible, as we were in danger to be ſet upon for taking from us this City and Caſtle before our aids ſhould come, we bethought us of all the means we could of gaining time, being confident that we cannot be ſo deſerted by the State of *England*, but that ſome ſupplies may yet come unto us: And therefore on the third of *December*, we directed our Letters to divers of the Nobility of the Kingdom who were neareſt to us, and moſt of them being of the *Engliſh Pale*, to be with us here on the eighth day of this Month, that we might confer with them concerning the preſent ſtate of the Kingdom; and we hoped by their help, to handle the matter ſo as we might gain a few days time before our ſurpriſal here, by which time in all likelihood our Succours might arrive, although it be boldly given out by the *Rebels*, that we ſhall have no Succours from thence, which they divulge to embolden their party, and to ſtrike terror and diſcouragement into the well-affected, amongſt whom there are many ſo weak, as to apprehend from thence too much fear, whereby many are fled the Kingdom.

January,
1641.

On the eighth day of the Month, the Earl of *Kildare*, the Lord Viſcount *Fitz Williams*, and the Lord Baron of *Houth* came unto us, but the reſt of the Noblemen not coming deferred our conference, and on the eleventh day of this Month we received Letters from ſeven of them, namely, the Earl of *Fingale*, the Lord Viſcount *Gormanſton*, the Lord Viſcount *Nettervile*, and the Lords of *Slaine*, *Trimbleſtone*, *Dunſany* and *Louth*, dated the ſeventh day of this Month, and ſigned by them, pretending a fear of a Maſſacre on thoſe of their Religion, and that therefore they are deterred, to wait on us, but do rather think it fit to ſtand upon their guard; and how that reſolution of theirs may ſtand with the Loyalty they profeſs, we humbly ſubmit to your Majeſties Excellent Judgment, for whoſe Royal View we ſend you here incloſed, a Copy of their ſaid Letters.

When we received thoſe Letters, we did admire whence their fears of coming to us ſhould ariſe; but afterwards we heard that they had been in conſultation with the *Rebels*, which alſo as to moſt of them is confirmed by the encloſed Examination of *Chriſtopher Hampton*, and indeed we know no cauſe of fear; they have of us, unleſs their own guilts begot in them the fear they pretend; and they ſpare not though unjuſtly to charge us with a neglect of their advices; whereas not one of them to this Houſe offered to us any advice or real aſſiſtance towards Pacification of theſe troubles.

It became then publick (nor could we keep ſecret that which they had publiſhed to others) that thoſe Noblemen ſo far ſided with the *Rebels* as they now ſtood on their guard; we therefore adjudged it fit for vindicanidg the State from the aſperſion which we found ſo publickly endeavoured to be laid upon us, to publiſh the encloſed Proclamation, as well to ſatisfie the world as thoſe Noblemen, who certainly are abundantly ſatisfied in their own ſecret thoughts that we never intended to Maſſacre them or any other; that being a thing which we and all good Proteſtants do much abhor, whatever the practice of their Religion is, and hath been found to be by woful experience in other parts, whereof we confeſs we are now in great danger, if our long expected Succours come not the ſooner to us; and it may be gathered from that unexampled Tyranny which the *Rebels* have already exerciſed towards thoſe of our Nation and Religion, who fell into their hands, what we for our parts may expect from them; but the diſhonour and ſhame which may reflect upon the *Engliſh* Nation by expoſing this State and Kingdom to ſo apparent ruin, and with it the extirpation of Gods true Religion, afflicts us more than the loſs of our own lives and fortunes, when all might be ſaved by ſending ſeaſonably thoſe Succours.

We lately received Letters from the Lady *Ofaly*, and a Letter containing moſt inſolent Menaces incloſed therein, ſent her from the *Rebels*, to which ſhe ſent them a Noble Anſwer, Copies whereof we ſend here incloſed.

One of the *Rebels* ſtiling himſelf Chaplain Major and Overſeer of the Coaſts and Harbours, lately ſent a Summons in a proud and vaunting manner, to one *Edward Leech*, that was entruſted to keep the Iſland of *Lambay*, requiring the delivery up of that Iſland to the *Rebels*, which being done, he gave *Leech* a Paſs, wherein he ſtiles the *Rebels* Forces the Catholick Army: A Copy of which Summons and Paſs we ſend your Lordſhip here incloſed; and *Leech* told us that that mighty Chaplain declared openly to him, That he was Plotter of this Rebellion, That he had ſpent in Travel and Proſecution of that deſign beyond Seas four thouſand pound; and that all the Kings in Chriſtendom, excepting the King of *England*, and the King of *Denmark*, have hands in this buſineſs.

A Caſtle in the Town of *Longford*, held by the *Engliſh*, who ſtood out a while againſt the *Rebels*, being in the end through want of victuals neceſſitated to be rendered up to them upon promiſe of quarter, a *Popiſh Prieſt* ſtanding with his *Skean* in his hand, watching for the coming forth of a Miniſter then amongſt the *Engliſh*, did by thruſting that Skean into the Miniſters guts, and ripping up his belly, give that as a ſignal to the *Rebels*, for falling upon the reſt of the *Engliſh*, which they did accordingly, as ſoon as the Miniſter was murdered killing ſome, and hanging the reſt moſt perfidiouſly.

On the ninth of this Month we received advertiſement, that great numbers of men were gathered together in Warlike manner at *Swoords* in the County of *Dublin* within ſix Miles of us, they having the Army of the Rebels behind them on this ſide *Drogheda*, whereupon we then immediately ſent out our Warrant, commanding them to diſperſe: A Copy whereof we ſend your Lordſhip here incloſed, which was not obeyed; but a Letter ſent us from *Luke Netterville* Son to the Lord Viſcount *Netterville* and others of them; A Copy whereof we likewiſe ſend here incloſed; whereupon we publiſhed the incloſed Manifeſt, for vindicating this State from their aſperſions alſo: And it is obſervable, that thoſe Gentlemen at *Swoords*, could even on that very *Tueſday* Night, wherein they alledge they were ſo affrighted at their Houſes, aſſemble twelve hundred Men together in that Moment of time, to have in readineſs againſt any Attempt from the State; whereas for many Days before, they could ſit ſtill and look on, whilſt an Army of the Enemy lay behind them, betwixt them and *Drogheda*, and whilſt ſome of them openly declared Rebels, and many of their Neighbours, who doubtleſs hold underhand Intelligence with the Rebels, robbed and ſpoiled the *Engliſh* on all Parts round about them; and yet thoſe Gentlemen could not in all that time be either ſo affrighted by the Rebels, or ſo compaſſionate of their poor *Engliſh* Neighbours, as to aſſemble any men for the defence of themſelves, or thoſe their poor *Engliſh* Neighbours; and certainly thoſe Gentlemen might have been as believing in this State, who have always uſed lenity and mildneſs towards them, as in the Forces of the *Rebels* which lie ſo near behind them, and who they know have murdered many of His Majeſties good and innocent Subjects, and for ought they know (if there were not ſecret intelligence between them) might have uſed them alſo in like manner.

But the truth is, we conceive thoſe Gentlemen had a mind to joyn with the *Rebels*, and do now take up pretences to cover their diſloyalty, and caſt Scandal on this Government.

The *Rebels* in the *Pale*, as in other Parts, have cauſed Maſſes to be ſaid openly in the Churches, expelled the Miniſters from Officiating in their Churches, and forced divers perſons for ſaving their Lives and Goods to become *Papiſts*; openly profeſſing that no *Proteſtant* ſhall be ſuffered to live in *Ireland*; and whilſt they inſult thus over all the *Engliſh* and Proteſtants, deſtroying them for no other reaſon, but for that they are Proteſtants and *Engliſh*, we let fall nothing againſt them touching Religion, and yet they feign things againſt us, tending that way, to give ſome colour to their cruel proceedings.

The *Rebels* of the County of *Kildare* have taken the *Naas* and *Kildare* in the County of *Kildare*. The *Rebels* of *Meath* have taken *Trim*, and *Aſhboy* in the County of *Meath*, and divers other places: The *Rebels* of the County of *Dublin*, have poſſeſſed *Swoords* and *Rathcoole*, and ſpoyled all the *Engliſh* and Proteſtants even to the Gates of *Dublin*; and now about Fifteen hundred of the *Rebels* of *Wiclow* are in and about *Powerſcait*, and about Ten miles from this City: There are alſo between this and the *Naas* within ſix or ſeven miles of us, a Thouſand of the *Rebels* of *Kildare*, and the Borders of *Wiclow* and *Dublin*, ſo as we are in this City invironed by them on all ſides by Land, and they begin to ſtop acceſſes to us by Sea; for the Fiſher-men on the Sea-Coaſts being all *Iriſh* and Papiſts Inhabitants in the *Pale*, break out alſo into Rebellion with the Multitude, and have robbed, ſpoiled and pillaged even within the Bay of *Dublin* ſeveral Barks coming hither forth of *England*. And if to revenge this Villany on the Fiſhermen at *Clantarſe* and thereabouts, ſo near us, we ſend forth a Party of Souldiers to burn and ſpoil thoſe *Rebels* Houſes and Corn, the Gentlemen of the *Pale* will immediately take new offence; but that we will adventure upon: for now there is no dalliance with them, who ſo far declare themſelves againſt the State, not caring what Scorns are put upon the Government; wherein is obſervable, That the Landlord of *Clantarſe* is one of thoſe Gentlemen riſen in Arms at *Swoords*.

Your Lordſhip now ſees not only the neceſſity of haſtening with all poſſible ſpeed our Succours of Men and Arms both out of *England* and *Scotland*, in greater Numbers than thoſe at firſt deſigned, ſeeing the breach appears to be far greater, and the defection more general than at firſt was conceived; and yet ſo as ſuch of them as are ready be not forced to ſtay for the reſt, but that thoſe may be ſo ordered as to come after; for no fleſh can imagine, unleſs they ſaw it as we do, the greatneſs of our danger, who are but a handful in compariſon of the multitudes riſen againſt us: And we deſire that the Ten thouſand deſigned to come from *Scotland*, may be wholly ſent away, as well the Five thouſand intended to be left there in readineſs as the reſt, with direction to land as near *Dublin* as they may, and whereſoever they Land to March to *Dublin*, if poſſibly they can; And to ſend away with all ſpeed the Ships appointed for guarding theſe Coaſts, is alſo very neceſſary to be haſtned, and that two or three Ships of good Strength follow after: doubtleſs theſe *Rebels* expect a very great Supply of Arms and Munition from Foreign Parts, either *Spain* or *France*.

And although out of the fore-ſight we had of this extremity ſince theſe Troubles began, we have endeavoured to get in ſome Proviſions of Victual and Corn, yet we have not been able to provide our ſelves ſufficiently to ſtand out any long Siege; nor can we now get in any more, our Markets being almoſt taken away, and the Strength of the *Rebels* ſurrounding us ſo as we can fetch in no more Proviſions; wherefore we beſeech your Lordſhip, that the Magazines of Victuals deſigned to be ſettled on that ſide, may be ſettled with all ſpeed, if it be not done already, whereby we and the Succours we expect, may not be in diſtreſs of Victuals for our ſelves or them, or Oats for our Horſes. Our want of Victuals is the more, in reſpect of the daily acceſs of the *Engliſh* ſpoyled in the Country.

The neceſſity of the defence of the Province of *Munſter*, required the immediate raiſing of a Regiment of Foot conſiſting of One thouſand Men, and two Troops of Horſe of Threeſcore each Troop, which Threeſcore we appointed the Lord Preſident to raiſe, and for the payment and arming of them, we humbly adviſe, ſeeing we cannot do it, That Money and Arms be ſent from thence to *Toughall*, with a further Supply of Arms and Munition for the Stores in that Province now much wanting there.

And as the *Rebels* which have beſet us and this City on all ſides by Land, do threaten to cut off our Market at *Dublin*, which we begin to feel already: ſo they boldly declare, That they will within a day or two cut off the Water-Courſe which brings water to this City and Caſtle; and that done, That their Multitudes will immediately burn our Suburbs, and beſiege our Walls; which we confeſs we yet want Strength to defend, and muſt want till our Supplies come forth of *England* or *Scotland*, or both: for here we have but about Three thouſand men, the reſt of the Old Companies being diſperſed in ſeveral needful Garriſons in the Countrey, (excepting Seven Companies of them ſurprized, and cut off by the *Rebels* at their firſt Riſing in *Ulſter* and other parts) and about Two hundred Horſe, by pole of the Old Army, whereof many are *Iriſh*: ſo as conſidering the ſpaciousneſs of this City and Suburbs to be defended, the ſmalneſs of our number to defend them, and the great numbers of Papiſts Inhabitants in this City and Suburbs; and laſtly, the very great Numbers of the *Rebels*, who are ſo ſtrong as to approach this City with many Thouſands, and yet leave many Thouſands alſo at the Siege of *Drogheda*, we cannot expect to be able to defend this City for any long time againſt them, without the arrival of our expected Succours.

The Earl of *Caſtle-Haven* on the Tenth of this Month, preſented at this Board the incloſed Oath tendered unto him by the *Rebels* to be ſworn by him, which he ſaith he refuſed to ſwear, and we hear they ſend it to all Parts to be tendered to the people, preſſing them to take the Sacrament thereupon.

We did lately, in hope to gain ſome time until our Supplies might come, liſten to an Offer made by ſome *Popiſh Prieſts* to go to the *Rebels* and Treat with them, as you may perceive by the incloſed: But ſince we find there is little hope of it; for ſome of the *Prieſts* are returned, nothing being wrought thereby.

However it is fit your Lordſhip ſhould know what we do; we muſt now crave leave to declare to your Lordſhip, That things being riſen here to this height, threatning not only the ſhaking of the Government, but the loſs of the Kingdom, as the Supplies of Men, Arms and more Treaſure, are of great neceſſity to be haſtned away hither; ſo is it alſo needful that we enjoy your Lordſhips preſence here, for the conduct in your own perſon of the great and important Affairs of this State, as well in the Martial as in the Civil Government, which do neceſſarily require it in this time of great imminent danger, wherein ſo far as we may be able to contribute any aſſiſtance with you, we ſhall be ready to diſcharge our duties therein, with that loyalty and uprightneſs of heart which we owe to his Majeſty, and the particular reſpect due from us to your Lordſhip; but we hope you

January, 1641. you will bring that ſtrength with you, which may beſit the greatneſs of the King our Maſter to ſend with his Lieutenant againſt ſo numerous Enemies as theſe *Rebels* are become, as well for the Honour of his Majeſty, as for the terror of thoſe *Rebels.*

By what we have heretofore and now humbly repreſented to your Lordſhip, you may in part ſee the greatneſs of the publick danger wherein this Kingdom now ſtands, and particularly this City and Caſtle, the principal piece thereof, that if thoſe be loſt, (which we now again aſſure your Lordſhip, were never in ſo great peril to be loſt ſince the firſt Conqueſt of this Kingdom by the Crown of *England*) the whole Kingdom muſt quickly follow; that the danger which muſt thereupon ariſe to the Kingdom of *England*, is very great in many Reſpects. There is no poſſibility to prevent thoſe Evils with Honor and Safety to *England*, but by Succors from thence or *Scotland*, or both; and that if thoſe Succors come not ſpeedily, it cannot be avoided but the Kingdom muſt be loſt.

And if notwithſtanding all this ſo often and truly made known by us to your Lordſhip, we ſhall periſh for want of Supplies, we ſhall carry this Comfort with us to our Graves or any other Burial we ſhall have, That your Lordſhip can witneſs for us to the Royal Majeſty, and to all the World, that we have diſcharged our Duties to God, to his Majeſty, to that Nation, and to this, in humbly repreſenting to his Majeſty by your Lordſhip, the chief Governour of the Kingdom, the Extremities and Dangers wherein his Kingdom and People ſtand, and the neceſſity of haſtning Supplies hither, by all poſſible means for preſervation of both; ſo as whatever become of our perſons, our memory cannot be juſtly ſtained with ſo wretched a breach of Faith and Loyalty to the King our Maſter, as to forbear repreſenting thither the Extremities wherein we are, whether we have the Credit to be believed or no; and that we write Truth, and moſt needful Truth, will be found true, when perhaps we ſhall periſh; and which is more conſiderable, the Kingdom alſo for want of being Relieved and Succoured in time. And ſo we remain

Your Lordſhips to be Commanded,

William Parſons,

Ormond Oſſory.
Char. Lambert.
John Temple.
Francis Willoughby.

Jo. Burlace.

R. Dillon.
Ad. Loftus.
Charles Coot.
R. Meredith.

From his Majeſties Caſtle of
Dublin, 14 *December*, 1641.

Poſtſcript.

BY our Letters to your Lordſhip of the 22. of November, *We did deſire to be informed from thence, Whether the Parliament here being once Prorogued, may not again be Prorogued by Proclamation before they Sit; or whether it be of neceſſity that they muſt Sit again, and the Parliament to be Prorogued the Houſe Sitting. And now that this Rebellion hath over-ſpread the whole Kingdom, and that many Members of both Houſes are involved therein, ſo as the Parliament cannot Sit; We humbly deſire to know his Majeſties Pleaſure therein, and if his Majeſty ſhall think fit to Prorogue it, which at preſent we hold expedient, that then we may receive his Commandment for Prorogation, and that the doubt concerning that be cleared; for to aſſemble at that time, cannot be with Safety.*

Our Letters of the Third of December, *have been hitherto with-held on this ſide by contrary Winds.*

The

Some Overtures for a Treaty.

The Propoſitions mentioned in this Letter for a Treaty by Sir *Thomas Carey*, and Dr. *Cale*, a Doctor of the *Sorbon*, were,

Firſt, That there ſhould be a Toleration of Religion.

Secondly, That Popiſh Officers, as well as Proteſtants ſhould be admitted to all Employments.

Thirdly, That the wrongs of Plantations ſhould be repaired ſince 1610.

Fourthly, That there ſhould be a Proclamation to take off the File the Title of Rebels and Traitors.

But Sir *Phelim O Neil* would not be perſwaded to condeſcend to any manner of Treaty, unleſs the Lord *Mac-guire*, *Mac-Mahon*, and the other Priſoners in the Caſtle were firſt ſet at Liberty; which the Board rejecting with Contempt and Indignation, that Overture died almoſt as ſoon as it was born.

The Board Vindicates Sir *Charles Coot* and themſelves from the Imputation of the Lords of the Pale.

Though it now began to be notorious that the Lords of the Pale were deeply in the Conſpiracy, yet to take away their pretences, the Board publiſhed a Proclamation, and ſent it to thoſe Noblemen; wherein it was poſitively Affirmed, That the Lords Juſtices and Council did never hear Sir *Charles Coot*, or any other, utter at the Council Board, or elſewhere, any Speeches tending to a Purpoſe or Reſolution to Execute on thoſe of their Profeſſion, or any other, a general Maſſacre; nor was it ever in their thoughts to diſhonour His Majeſty, or the State, by ſuch an Odious, Deteſtable, and Impious Action, giving them aſſurance of their ſafety, if they would repair to *Dublin* the 17th of that Month.

The Anſwer of the Lords of the Pale.

In Anſwer to which, the Lords of the Pale return a Letter to the Lords Juſtices, wherein they complain, That they were ſo juſtly affrighted with Sir *Charles Coot*'s ſeverity and deportment, that they durſt not adventure their perſons within the Confines of his Government; they heavily charge upon him the inhumane acts perpetrated in the County of *Wickloe*, the Maſſacre of *Santry*, and the burning of Mr. *King*'s houſe at *Clantorſe*, contrary to the Publick Faith given but the day before; for which ſeverity they ſaid they did not blame their Lordſhips, but Sir *Charles Coot*, for his Rigor in the Execution; and therefore deſire that no ſiniſter Conſtruction may be made of their ſtay, but that they may have ſome Commiſſioners appointed to confer with them; concluding with profeſſions of their Loyalty, and readineſs to give their advice for the advancement of His Majeſty's Service, and the Common Peace of the Kingdom.

But though they did not proceed to open Hoſtilities, chuſing rather to force the Government to be the Aggreſſors, yet they began to form themſelves into a diſtinct Body of an Army, and thereupon declared the Lord *Gormanſton* General of the Forces to be raiſed in the Pale; *Hugh Birne* Lieutenant General, and the Earl of *Fingal* General of the Horſe: And to ſtraiten the City of *Dublin* by keeping Proviſions from coming thither, *Luke Neterville* ſent two ſtrong Parties, the one to poſſeſs *Finglaſs*, within two Miles of the City, and the other to *Santry*, where they lay till thoſe at *Finglaſs* were diſlodged from thence by Col. *Crafford*, lately arrived out of *England*, with a Recommendation from the Prince Elector Palatine, under whom he had ſerved in the Wars of *Germany*. The diſlodging of the Rebels from *Finglaſs* happened by a pretty odd Adventure, for *Crafford* having raiſed a Regiment of the ſtripped and deſpoiled *Engliſh*, who came to *Dublin* for Sanctuary,

January, 1641.

ctuary, he daily Exerciſed them, and being a Perſon of a good competency of Confidence and forwardneſs, he requeſted the Earl, now His Grace the Duke of *Ormond*, to take a view of them, and ſee how well in ſo ſhort a time he had improved and diſciplined his Men; the next Morning His Grace with about 20 Horſe of his Servants, and ſome Perſons of Quality, went into the Field to ſee them Train, but when he came there he found no Men upon the place, but preſently after hearing ſome ſhooting, and conceiving they might be marched to ſome more convenient place, he advanced to the place where by the ſhooting he judged they were; when he came near, he ſaw there was a Man brought off wounded, whereupon he perceived it was no matter of Jeſt, for it ſeems *Crafford*, who had reſolved to ſignalize himſelf, had made an attempt upon the Rebels at *Finglaſs*, but his Men who had ſcarcely recovered the fright they had eſcaped, were not ſo well in either Courage or Diſcipline, but that they had ſhewed the Rebels their Backs, if His Grace by the opportune appearance of this ſmall body of Horſe had not reinforced them, and the Rebels having no Horſe, and not knowing what ſtrength or numbers were coming upon them, immediately retired, and drew off from the place. The other Party at *Santry*, hearing of the approach of Sir *Charles Coot*, conſulted with their heels for the ſecurity of the reſt of their Bodies, and quitted the place with ſo much fear and haſte, that they left behind them the beſt part of their Equipage and Proviſions.

And to add to theſe misfortunes, under which the Government, and the *Engliſh* Proteſtants were ſo miſerably oppreſſed, the Provinces of *Munſter* and *Connaght* now followed the Example of *Ulſter* and *Lemſter*, and broak out into actual Rebellion; ſo that now there was not one Corner of *Ireland*, but what was infected with this diſmal Contagion, the whole Body was ſick, and the Heart faint and languiſhing.

Sir *Simon Harcourt* with a Regiment arrives at Dublin *Decemb.* 31.

The landing of Sir *Simon Harcourt*, a brave Experienced Captain, with his Regiment, who arrived at *Dublin* the laſt of *December*, raiſed ſome hopes that Aſſiſtance and Relief would come from *England*, but thoſe very hopes were ſtrangely over-ballanced by the Fears, leſt they ſhould come too late: And theſe delays had like to have proved Fatal, for many of the Soldiers who came out of *England*, ſeeing the weak and low condition of the City, and the great Strength and Numbers of the Rebels, began not only to ſhrink from the Service which appeared ſo deſperate, but mutinuouſly to perſwade their fellows to return for *England*; which occaſioned the Publiſhing of this Proclamation.

By the Lords Juſtices, and Council.

William Parſons, John Borlaſe.

A Proclamation forbidding Soldiers to return to *England*.

WE do hereby in His Majeſties Name, Charge and Command all His Majeſties Soldiers of this Army, that upon pain of Death none of them preſume to depart hence for England, *without expreſs Licenſe in that behalf from the Lieutenant General of the Army. And we Command all Owners and Maſters of Ships, Barques, and other Veſſels, that upon pain of Death none of them do permit or ſuffer any of the ſaid Soldiers to go aboard them, or to be carried from hence into* England. *And we require the Searcher, and all other Officers and Waiters of the*

Cuſtomes

Cuſtoms, that they and every of them, do take ſpecial Care to prevent the Shipping or Exporting of any of the ſaid Soldiers as aforeſaid; whereof they may not fail.

Given at His Majeſties Caſtle of *Dublin* the 18th of *Jan.* 1641.

Ormond Oſſory,
R. Dillon,
Ad. Loftus,
J. Temple,
Charles Coote,
Fra. Willoughby
Rob. Meredith.

The Board had not been at all wanting to repreſent the ſad Condition of their Affairs to the Lord Lieutenant, and the Two Houſes of Parliament in *England*; and the Reader may have obſerved, that upon all occaſions His Majeſty had indeavoured to the uttermoſt of the Power he had left, to forward the Relief and Aſſiſtance of *Ireland.* But the *Scots* ſtood upon high Terms, being rather managed with the deſire of the *Engliſh* Money, the ſweetneſs of which they had taſted, then with compaſſionate Zeal and Brotherly Kindneſs, though they affected that word mightily, to afford Sudden and Seaſonable Relief to *Ireland*, which they might with the greateſt eaſe imaginable have done from *Scotland*, that Country lying ſo near as to be within a few hours Sail from thence. And for the Two Houſes of Parliament in *England*, they were ſo wholly taken up with their own Affairs and Deſigns againſt the King, which now began to ripen apace towards an open Rebellion, that they had no leiſure to attend the preſent Relief of *Ireland* to any purpoſe; inſomuch that the Arms and Ammunition taken out of the King's Stores for that Service, could not get a conveyance to the Ports, whither they were Ordered for Tranſportation, for want of Money, as was often repreſented to the Two Houſes by the Lord *Newport*, Maſter of the Ordnance, as before hath been made appear from the Journals; and the Men who were raiſed, and got as far as *Cheſter*, lay there alſo Money-bound, as is evident from this following Letter, written from Col. *Monk*, afterwards the memorable Duke of *Albemarle*, to the Lord Lieutenant.

A Letter from Col. *Monk* to the Lord Lieutenant of *Ireland.*

My Lord,

I *Have received one Letter from your Lordſhip, and one from your Secretary; and all your Lordſhips Commands have been obſerved; here are Twelve Companies of your Lordſhips Regiment come to* Cheſter, *there is only wanting your Lordſhips own Company, and* 40 *Men of Captain* Cope's *Company, the which* 40 *Men he is bringing up himſelf; and your Lordſhips Regiment is* 1200 *marching Men in Rank and File at this preſent. We ſhall want nothing for our preſent Imbarquing but Money, and your Lordſhips own Company; for our Men are all Armed, and Shipping ready to carry them over; the want of Money with us has been very great, by reaſon we have been forced to pay our Companies our ſelves, ever ſince our Arrival here: We could not prevail with the Townſmen of* Cheſter *for the furniſhing of us with any Moneys, by reaſon of theſe Troubleſome Times; but on the receipt of your Secretaries Letter to the Commiſſary, we ſhall receive the Over-plus of the Monies which was appointed for the Horſe, which is* 240 l. *which will help us a little, but if there is not ſome Monies now on the Way for us, I doubt the Soldiers will disband ſuddenly.*

January,
1641.

I ſhall beſeech your Lordſhip to put the Iriſh *Committee in mind of their promiſe for Coats and Caps, Shoes and Stockins for the Soldiers, it is very needful, and will be very advantagious for the Service if the Soldiers have them, and by promiſe from us, are expected by the Soldiers.*

The Officers that are wanting at this preſent of your Lordſhips Regiment, beſides thoſe that are wanting with their Companies, is Capt. Snelling, *Lieutenant* Palmer, *Captain* Bois's *Lieutenant, and Enſign* Smith, *Captain* Turvil's *Enſign. I underſtand by my Lord* Liſle, *that one Mr.* Morriſon *is to be your Lordſhips Enſign, who came this day to* Cheſter. *I ſhall deſire, with your Lordſhips next Commands, I may underſtand what quantity of Ammunition we ſhall carry from hence with us into* Ireland; *or if we ſhould be ſtayed here by contrary Wind, what Ammunition you will be pleaſed to allow us weekly for Exerciſing: deſiring your Lordſhips pardon for being ſo tedious, I humbly take my leave:*

Your Lordſhips moſt humble
Servant to be Commanded,

Cheſter 21 Jan.

To his Excellency the Earl
of *Leiceſter*, L. Lieutenant
of *Ireland*, theſe preſent
at *Leiceſter-Houſe* in St.
Martin's-Fields.

George Monck.

In this diſtreſſed Eſtate ſtood the Affairs of theſe miſerable Kingdoms. *Scotland* recovered from thoſe Rebellious Commotions raiſed by the Presbyterian Faction, by Remedies that proved more Fatal to the King then the Diſeaſe. *Ireland* all in a Flame, and *England*, by the prevalency of the ſame Faction which had raiſed the diſturbances in *Scotland*, ready to follow their Example, and to purſue their Model of Reformation, by the ſame wicked Courſes of Religious Diſ-obedience and Rebellion; in which Condition I muſt at preſent leave them, till ſuch time as it ſhall pleaſe God to give me ability and opportunity, I may, after ſome little neceſſary Refreſhment, purſue this Laborious work, in perfecting the Remainder of theſe Hiſtorical Collections.

FINIS.

A TABLE

Of the principal Matters in this Second Volume.

A.

ANſwer of the King to the Commons requeſt about his Servants, 231. Concerning the Iriſh Acts, 421. About disbanding the Horſe, 429. To the reaſons for ſtaying his Journey to Scotland ,434. To the Speech of the Recorder of London, 676. To the Petition of both Houſes about Guards for the Parliament, 685, 833. To the Petition of the Aldermen, &c. at Hampton-Court, 712. To the Petition accompanying the Remonſtrance, 744. To the Petition about Breach of Priviledge, 762. To the Petition concerning the Kenſington buſineſs, 796. To the Meſſage of the Houſe of Commons for a Guard,803. To the Petition from Buckinghamſhire, 841. To the Petition of the Lord Mayor, &c. 842. To the Meſſage concerning the three Bills , 848. To the Commons demand of ſtores, 860, To the Meſſage concerning the Bill for Adjournment, 877.

Alderman Abel, a Patentee, a Bill Ordered againſt him, 256. Bailed, 475.

Accompt of the Armies, 292,410.

Act of State about the Oath in Ireland, 79. Act of Parliament for reverſing the Attainder of the Earl of Strafford,23. Act of Scotch Parliament part of one making it Treaſon to Levy Forces without the Kings conſent, 682. Act of Common-Council of London againſt Tumults, 803. See Bill.

Adjournment Bill paſt by both Houſes, that it be in the power of the Houſes reſpectively, 834. The Kings Anſwer to it, 877.

Earl of St. Albans his Letter from Ireland concerning Affairs there, 686.

Aldermen, Sheriffs, &c. of London attend the King at Hampton Court, 711. Many of them Knighted, 712.

America, Petition of ſome Merchants, that parts of it be ſeiz'd, 467.

Mr. Anderton a Member of the Houſe of Commons receives a Letter about a Plot, 836.

Anſlow, a Witneſs againſt the Earl of Strafford, 60.

Anſwer of the Earl of Strafford to the Articles of Impeachment, 20 to 27. To Pym's Speech againſt the Preamble of his Anſwer, 39. Of the Houſe of Commons to the Lords Reaſons for the Biſhops Voting in Parliament, 260. Of the Judges to certain Queries about Matters in Parliament, 374. Of the Scotch Commiſſioners to the two Propoſitions, 406. Their Anſwer about disbanding the Army,412. Of the Engliſh Commiſſioners to the Propoſitions of the Scots Commiſſioners, 423. Of the Scots Commiſſioners to the reaſons for ſtaying the Kings Journey, 435. Of the Houſe of Lords to the Propoſitions of the Scots Commiſſioners about difficulty of Marching their Army home, 538. Of the Houſe of Lords to a Petition of the Lord Mayor concerning the Londoners denying ſubjection to the Common Council, 460. Of the Houſe of Lords to the Houſe of Commons Propoſitions concerning Ireland, 525. Of the Judges in Ireland to Queries of the Parliament there, 575. Of the City of London to the Parliaments deſire of lending Money, 598, 644. Of the Queen concerning Father Philips, 605. Of the Houſe of Commons to the Houſe of Lords two Propoſitions about the Scotch relief of Ireland,771. Of the ſeveral Impeached Biſhops, 797. Of the Lords of the Pale to the Lords Juſtices, 906. Of the ſame to the Vindication of the ſeverity of Sir Charles Coot, 917.

Apology of the Lord Digby, 863.

Apprentices of London , their Petition concerning Church Government, &c. 775. An account of a Tumult of them, 805.

Nicholas Ardagh, a Witneſs againſt the Earl of Strafford, 70.

Argiers, a Vote about the Captives there, 254. Act for them paſt, 861.

Argument of Mr. Lane in behalf of the Earl of Strafford,153. Of Recorder Gardner for the ſame, 156. Of Mr. St. John for the Bill of Attainder, 162.

Arch-Biſhop *of* Armagh *his Teſtimony in the Caſe of the Earl of* Strafford, 83, *See* Uſher.

Arms *ſearch'd for at* Lambeth, 236. *Supplied to the Lords of the* Engliſh *Pale*, 632. *Sent from the Tower for* Ireland, 710. *ſearch for Arms at Mr.* Ropers *at* Eltham, 847. *At Sir* James Hamilton's *Lodgings*, ibid. *At Sir* James Hanham's *in* Somerſetſhire, 848. *At the Lady* Rivers *and at* Oxon, 859.

Army *pretended to be in danger of being ſeduced*, 231. *Several Lords Examined about it*, 258. *An Account of it*, 272. *Army in* Ireland, *a Report for disbanding it*, 238. *The State of it in the Earl of* Strafford's *time*, 537. *State of the ſame when the Rebellion firſt broke out*, 627.

Articles *of Impeachment againſt the Earl of* Strafford, 8. *Of further Impeachment againſt the ſame*, 11. *Againſt the Judges*, 324. *Againſt Sir* Robert Berkley, 337. *Againſt Lord Chief Baron* Davenport, 347. *Againſt Baron* Trevor, 352. *Againſt Baron* Weſton, 356. *Againſt Juſtice* Crawley, 362. *Againſt Lord Chief Juſtice* Bramſtone, 363. *Againſt the Biſhop of* Ely, 398. *Againſt the Lord Chancellor of* Ireland, &c. 370. *Againſt Lord* Kimbolton, *and the five Members*, 811.

Arundel, *Debate about the Election of a Burgeſs there*, 870. *Earl of* Arundel *conſtituted Lord High Steward of* England *for Trial of the Earl of* Strafford, 29.

Captain Aſhburnham *Committed on ſuſpicion of Treaſon*, 288. *Bailed*, 377. *Gets a Vote for his Pay*, 477. *Voted guilty of Miſpriſion of Treaſon, and expell'd the Houſe of Commons*, 725.

Mr. Aſhton *Vicar of Panſwick Voted a ſcandalous Miniſter*, 238.

Aſſembly *of* Iriſh *at* Swoords, *Order to Diſſolve it*, 908.

Attainder *of the Earl of* Strafford, 103. *The Bill read thrice in one day and paſſed the Commons*, 157. *Mr.* St. John's *Argument for it*, 162. *Paſſes the Lords*, 192. *And the King by Commiſſion*, 195. *Repealed ſince the King's Reſtauration*, 203.

Attorney *General Ordered to juſtifie his Charge againſt Lord* Kimbolton *and the five Members*, 843. *Which he does*, 850. *Houſe of Commons deſire to Examine him*, 830. *Vote of Both Houſes againſt him for Breach of Priviledge*, 870. *Examination of him*, 873. *Votes of the Houſe of Commons againſt him*, 874.

Ax *expreſly forbidden to be born before the Earl of* Strafford *at his coming to Tryal*, 29.

B.

Bagſhaw *of* Windſor *his Information to the Houſe of Commons*, 859. *A Conference about it*, 862.

Sir William Balfour *Lieutenant of the Tower brings the Earl of* Strafford *to the Bar*, 37. *A falſe Loon*, 190. *His removal angers the Factious*, 773.

Ballad *againſt the Biſhops and Common-Prayer*, 807.

Barnwell, *a Witneſs againſt the Earl of* Strafford, 36, 83.

Sir Thomas Barrington *a Witneſs in the Caſe of the Earl of* Strafford, 83.

Biſhop *of* Bath *and* Wells *inform'd againſt.*

Dr. Beal *referred to the Committee for Scandalous Miniſters*, 773.

Beal *a Taylor finds out a Plot*, 647. *An Ordinance about it*, 649. *Conference upon it*, ibid.

Sir Henry Bedingfeild *Accuſed*, 661. *Sent for*, 662. *Examined*, 690. *Acquitted*, 691.

Mr. Benſon *a Member of the Houſe of Commons, Charged with ſelling Protections*, 595. *Expelled the Houſe, and declared a Delinquent for ſo doing*, 596.

Sir John Berkley *ſent for as a Delinquent*, 288. *Sent to the Tower*, 490. *Order'd to be Examined*, 492. *Voted guilty of Miſpriſion of Treaſon*, 725. *Order'd to be Bail'd*, 755, 780.

Sir Robert Berkley *Impeach'd by the Houſe of Commons*, 332. *Articles againſt him*, 337. *Brought to the Bar of the Houſe of Lords*, 497. *His Petition to the Houſe of Lords*, 498. *Aſſigned Council*, 499. *His Tryal put off*, 511.

Earl of Berkſhire, *a Witneſs againſt the Earl of* Strafford, 89.

Edmund Bern, *a Witneſs againſt the Earl of* Strafford, 70.

Berwick, *An Order for the Mayor to take care of it*, 753.

Bill of Attainder, *See* Attainder, *Bill for perpetuating the Parliament paſſes the Lords*, 192. *And the King by Commiſſion*, 195. *Repeal'd ſince the Kings Reſtauration*, 203. *For relief of the Army*, 238. *For abbreviating of* Michaelmas *Term*, ibid. *For reſtraining Eccleſiaſtical Perſons from medling in ſecular Affairs*, 242. *Thrown out of the Houſe of Lords*, 271. *Bill for Aboliſhing Epiſcopacy propoſed*, 248. *Debated in the Houſe of* *of Lords*, 255. *Private Bills paſt by Commiſſion*, 256. *Bill for Root and Branch read twice*, 257. *For Tonnage and Poundage*, ibid. 381. *For disbanding the Armies*, ibid. *For taking away the High Commiſſion Court and Pluralities*, ibid. *For taking away the Star-Chamber and regulating the Council-Board*, 258, 271. *For Regulating Clerks of the Market*, 259. *For diſarming Recuſants*, 260. *Againſt the new Canons*, ibid. *Againſt Pluralities and Non-Reſidencies*, 293. *Againſt Ship-Money*, 294. *A Copy of the Root and Branch Bill*, 300. *Bill againſt Scandalous Miniſters*, 309. *For taking away the Court of Requeſts*, ibid. *To prevent Suits for Knighthood*, ibid. *Three Bills brought up to the Houſe of Lords, their Titles*, 393. *Bill for the Marches of* Wales, 394. *For Billet-money*, ibid. *For the Northern Counties*, 409. *Seven Bills brought up to the Houſe of Lords, their Titles*, ibid. *Bill for ſecuring Religion rejected*, 411. *For impoſing the Proteſtation rejected*, 414. *Eleven Bills paſſed the King, their Titles*, 431. *Six more paſs'd by the King, and their Titles*, 438. *Bill for a Lord General and Lord High Admiral rejected*, 719. *For Relief of Captives at* Argiers, 731. *Three Bills paſt the Houſe of Commons, their Titles*, 777.

Billet-money *undertaken for the* Scots *by the Houſe of Commons*, 444. *A Bill for Billet-money*, 394.

Captain Billingſley *Accuſed for a Conſpiracy to ſeduce the Army*, 232. *A Proclamation to ſtop him*, 233.

Biſhops, *their adviſe againſt paſſing the Bill againſt the Earl of* Strafford, 192. *A* Salvo *for them*, 231. *Thirteen of them impeached about the New Canons and Oath*, 418, 443. *An Order concerning their Anſwer*, 449, 484. *Order that they have Council*, 495. *A Debate in the Houſe of Commons what they are guilty of*, 497. *Debate whether other Biſhops ſhall Vote in their Caſe*, 500. *Abſtract of the grand queſtion upon it*, 503. *Their Council refuſe to undertake their Cauſe*, 613. *A time appointed for their Anſwer*, 614. *Which they put in by Plea and Demurrer*, 641. *That Voted dilatory and inſufficient*, 645. *Conference about them*, 691, 717. *Ordered to be heard*, 711. *A ſecond Charge againſt them by the Houſe of Commons*, 717. *Order to Anſwer it*, 718. *They adhere to their Demurrer*, 731. *Twelve Biſhops their Petition and Proteſtation*, 794. *Votes of the Houſe of Commons againſt them*, 796. *Impeached*, ibid. *Taken into Cuſtody*, ibid. *Brought to the Lords Bar*, 797. *Their ſeveral Anſwers*, ibid. *Two of them Committed to the* Black Rod, *the reſt to the* Tower, 799. *Deſire Council, which is granted*, 812. *Order to put in their Anſwer*, 836. *They Anſwer*, 882. *They Petition to be ſpeedily Tryed or Bailed*, 883. *Remanded to Priſon*, ibid.

Mr. Blaney *ſummon'd for Preaching againſt the Proteſtation*, 288.

Sir Richard Bolton *Lord Chancellor of* Ireland *impeached*, 566. *Articles againſt him*, 570.

Books *ſeized by Order of the High Commiſſion, how diſpoſed of*, 690.

Mr. Booth *Miniſter of St.* Botolph Alderſgate *Petition'd againſt by the Factious*, 492.

Sir John Borlaſe *made one of the Lords Juſtices of* Ireland, 564.

Dr. Borlaſe *his Hiſtory of the* Iriſh *Rebellion cenſured*, 531.

Lieutenant Bowles *Voted a Delinquent for raiſing voluntiers for* Ireland, 874.

Lord Chief Juſtice Bramſtone *impeached by the Houſe of Commons*, 363.

Mr. Orlando Bridgman *receives a Letter about a Plot*, 836.

Earl of Briſtol *a Witneſs in the Caſe of the Earl of* Strafford, 83. *His Report about disbanding the* Iriſh *Army*, 233. *Vote of the Houſe of Commons that he be removed from the King and his Council*, 793.

Lord Bruce *introduced into the Houſe of Lords*, 421.

Buckinghamſhire *Petition to the Houſe of Lords about Malignants*, &c. 834. *To the Houſe of Commons about the ſame*, 839. *To the King concerning* Hampden, 840.

Mr. Burgeſs *Ordered to Preach before the Houſe of Commons*, 467, 513.

Sir John Burroughs *a Witneſs in the Caſe of the Earl of* Strafford, 93.

Busby's *Caſe, an Order in it by the Houſe of Lords*, 716.

Sir John Biron, *a Meſſage of the Houſe of Commons for removing him from being Lieutenant of the Tower*, 835. *Ordered to appear before them*, 844. *Refuſes*, 845. *Votes of the Houſe of Commons about him*, 846. *Brought to the Bar of the Houſe of Lords*, 849. *At the Bar of the Houſe of Commons*, 856. *A Petition of ſome Merchants*, &c. *againſt him*, 881. *A Motion of the Houſe of Commons for diſplacing him diſſented to by the Houſe of Lords*, 882.

C.

Calamy *Ordered to Preach before the Houſe of Commons on the Faſt-day for* Ireland, 756. *Has the thanks of the Houſe and a piece of Plate*, 775.

Calcot *an Informer againſt Colonel* Lunsford, 846.

Cambridge *Univerſity, their Petition for Epiſcopacy*, 239.

New Canons *a Bill againſt them*, 260. *Votes of the Houſe of Lords againſt them*, 285.

Lord Capel *Introduced into the Houſe of Lords*, 429.

Captives *at* Argiers, *a Vote about them*, 254. *A Bill for them*, 711, 731.

Capuchin *Friers at* Denmark *Houſe Ordered to keep in*, 445, 448. *Meſſage of the Houſe of Commons for Diſſolving their Convent*, 814.

William Caſtigat *Witneſs againſt the Earl of* Strafford, 59.

Cavalry, *reaſons that it be form'd into Regiments*, 685.

Cauſes *in Parliament determinable in no other Court*, 716.

Ceſſation *with the* Scots *prolonged*, 236, 310, 373, 406.

Prince Charles, *the care of the Houſe of Commons concerning him*, 512, 596, 857.

Cheſhire *Petition for Common-Prayer*, &c. 758, 759.

Chillingworth *a too forward Member ſent to the Tower*, 714. *Releas'd*, 763.

Sir Hugh Cholmley, *Witneſs againſt the Earl of* Strafford, 94.

Mr. Henry Cholmley, *Witneſs againſt the Earl of* Strafford, 92, 94, 97.

William Chorley, *ſent for out of Goal by* Habeas Corpus, 706.

Captain Chudleighs *Depoſitions againſt M*r. Jermyn, *&c.* 444.

Patrick Clear, *a Witneſs againſt the Earl of* Strafford, 70.

Clerks *of the* Market, *a Bill for the regulation of them*, 259, 437.

Sir John Clotworthy *in a Speech reflects on the Earl of* Strafford, 5. *Made one of the Committee to prepare the Charge againſt him*, 7. *a Witneſs againſt him*, 35, 68.

Sir William Coles *Letter to the Lords Juſtices of* Ireland, *juſt before the Diſcovery of the Rebellion*, 519.

Commiſſion *for paſſing Bills, the manner of it*, 195. *Commiſſion to Examine Witneſſes about Incendiaries*, 444. *For the Commiſſioners to go for* Scotland, 454. *Commiſſions in the ſtyle of Martial-Law given even to* Romiſh *Gentlemen for ſuppreſſing the* Iriſh *Rebellion*, 629. *Copy of that to the Lord* Gormanſtoun, 630. *Of one to raiſe men for* Ireland, 652. *Commiſſion of the King, for ſeveral Lords and Commons to Treat with the* Scots *Commiſſioners about Succours for* Ireland, 716.

Commiſſioners *to be ſent from the* Engliſh *Parliament into* Scotland, 439, 446. *Difficulty about it*, 447. 1000 l. *advanced for their Charges*, 452. *Tranſactions between them and the* Scotch *Parliament*, 608. *Their inſtructions*, 451, 455, 494, 616.

Commiſſioners *from* Scotland, *their offer of Aſſiſtance for* Ireland, 732. *Proffer to mediate between the King and Parliament*, 874. *Their Petition and Advice*, 876. *For which they have the thanks of the Houſe of Commons*, 887.

Committees *for* Iriſh *Affairs*, 5. *To Examine Evidence againſt the Earl of* Strafford, 11. *For Scandalous Miniſters*, 233. *Which divides into Sub-Committees*, 245. *For expediting the Charge againſt the Arch-Biſhop of* Canterbury, 265. *That for Scandalous Miniſters reviv'd*, 322. *Of the Houſe of Lords during the Receſs*, 484. *Of the Houſe of Commons during the ſame*, 486. *For preparing a Petition to the King againſt Evil Councellors*, 510. *To conſider of the* Iriſh *Rebellion*, 524. *Of the Houſe of Commons of* Ireland *for the* Iriſh *Remonſtrance, their Names*, 561. *Of the Houſe of Commons in* England *for* Iriſh *Affairs*, 595, 651. *For borrowing Money*, ibid. *About* Beal *the Taylors Plot*, 649. *About a Guard for the Parliament*, 684. *Of both Houſes to Treat with the* Scots *Commiſſioners about the relief of* Ireland, 711. *Their Inſtructions*, 720. *Committee for Scandalous Pamphlets revived*, 723. *Concerning Breach of Priviledge by the Kings Speech*, 739. *Of the Houſe of Commons to conſider of the obſtructions to the* London *Petition*, 763. *Of the Houſe of Lords to conſider of the late Tumults*, 781. *Of the Houſe of Commons to draw up the Declaration of the obſtructions of Relief for* Ireland, 793. *Of the ſame to wait upon the King for a Guard*, 801. *One to ſit at* Guild-Hall, 824. *For frivolous Informations*, 855. *For putting the Kingdom into a poſture of Defence*, 860, 872, 884. *Concerning* Bagſhaw's *Information*, 862. *Concerning the* Scotch *Propoſitions for the Relief of* Ireland, 869. *For Breach of Priviledge*, 885.

Common-Pleas, *the Caſe of the Officers there againſt Patentees*, 404.

Common-Prayer *Book Debated*, 475.

Commons *Houſe proſecute the Loyal and Learned Clergy*, 235. *They publiſh a Declaration without the conſent of the Houſe of Lords*, 481. *At a loſs how to name their Charge againſt the Biſhops*, 497. *Manifeſt their Democratick Deſigns*, 712. *See* Orders *and* Votes.

Communion-Table *Voted to be remov'd*, 475. *Troubles about it*, 491. *See* Rails.

Conference *between a Committee of both Houſes to prepare for the Tryal of the Earl of* Strafford, 10. *Another about Tumults*, 210, 245. *Concerning dangers of* Portſmouth *and of the* French, 233. *Concerning the Queen-Mother*, 237, 247. *About Mr.* Percy, 245. *The* Scots, 255. *The Bill againſt the Biſhops Voting*, 259. *Disbanding the Armies*, 288, 411, 419. *With the* Scots *Commiſſioners concerning the Kings Journey*, 320. *Of both Houſes about the Kings beſtowing Honours*, 325. *The Palatinate*, 377. *The ten Propoſitions*, 380. *The Judges*, 420. *a* Cuſtos Regni, 424. *The Treaty*, 426. *The Kings Journey*, 433. *A Commiſſion to paſs Bills during the Kings Abſence*, 437. *The* Scotch *Army*, 439. *A Final Concluſion with the* Scots, 442. *The Tower*, 446. *Putting the Kingdom into a poſture of Defence*, 449. *Diſarming Recuſants*, 450, 469. *the Navy*, 460. *The Receſs of the Parliament*, 463. *tranſporting Soldiers by Forraign Ambaſſadors*, 466, 477, 479. *a Letter from the King*, 497. *excluding Biſhops their Votes in the Caſe of the thirteen impeached*, 500. *the Princes ſafety*, 512. *a Guard for the Parliament*, 595. *Prince and Queen*, 596. *the* Capuchins, *&c.* 607. *Evil Councellors*, 619. *Letters from* Ireland, 625. *the Impeached Biſhops*, 691, 717. Scotch *Aſſiſtance for* Ireland, 736. *Breach of Priviledge by the Kings Speech*, 739. *reprieving the Prieſts*, 740. *Relief for* Ireland, 791. *Lieutenant of the Tower*, 773, 778, 860. *the Biſhops Petition and Proteſtation*, 795. *the ſafety of the Kingdom*, 797. *Breach of Priviledge*, 813, 816.

Conge d' Eſlires *five Petitioned to be ſtay'd*, 499. *debated*, 511.

Coningsby *his Bill paſt the Houſe of Commons*, 777.

Conisby *expell'd the Houſe of Commons for a Monopoliſt*, 513.

John Couley *a Witneſs for the Earl of* Strafford, 55, 57, 63.

Owen Connelly's *Examination about the* Iriſh *Rebellion*, 520. *a Reward Voted for him*, 524, 609. *Interrogatories for a further Examination of him*, 596.

Conſpiracy *to ſeduce the Army*, 231. *perſons Accuſed upon it*, 232. *an account of it from the Earl of* Mancheſter's *Memoirs*, 272. *Votes about it*, 407, 408. *Conſpiracy in* Scotland, 488. *heads for a Conference about it*, 491. *See Plot.*

Contributions *for the poor* Engliſh *in* Ireland, 660. *Certificate from the Lords Juſtices for it*, 737.

Lord Conway *a Witneſs in the Caſe of the Earl of* Strafford, 83.

Mr. Cooper, *Votes of the Houſe of Commons in his favour*, 454.

Sir Charles Coot *burns* Clantarff, 911. *vindicated by the Council-Board of* Ireland, 917.

Sir John Corbet's *Caſe*, 260, 469.

Earl of Cork *Witneſs againſt the Earl of* Strafford, 55. 57, 63.

Dr. Coſens *and others at the Bar of the Houſe of Lords*, 244.

Lord Cottington *ſurrenders his Lord Lieutenantſhip of* Dorſetſhire, 236. *and the Court of Wards*, 246.

Council *allowed to the Earl of* Strafford, *their names*, 10. *Order concerning their pleading*, 28. *that they plead to matter of Law only*, 153. *Council Ordered to the thirteen Impeached Biſhops*, 495. *who decline the Cauſe*, 613. *but being ſent for by the Houſe of Lords, are willing*, 614. *Council Aſſigned the twelve Impeached Biſhops*, 813.

Council-Board, *a Bill for regulating proceedings there*, 258. *paſt* 271.

Council *of War for Affairs of* Ireland, 614.

Evil Councellors *a Committee to prepare a Petition againſt them*, 510. Pym's *Speech about them*, 619.

Court of *Requeſts, a Bill for taking it away*, 309.

Courts *of Stanneries, a Bill for Regulating them paſt Both Houſes*, 416.

Colonel Crafford *his odd Adventure*, 917.

Juſtice Crawley *Impeach'd by the Houſe of Commons*, 357.

Sir Randal Crew, *Applications of the Houſe of Commons in his behalf*, 365.

Oliver Cromwel *Burgeſs of the Town of* Cambridge, 247. *Informs againſt a Gentleman of* Huntingdon *for words*, 888.

Sir Pierce Crosby *a Witneſs againſt the Earl of* Strafford, *ſet by for ſome time*, 35. *admitted to give Evidence*, 47, 56, 58.

Cruelty *of the* Iriſh *Rebels*, 633.

Cuſtomers *offer* 100000 l. *for an Act of Oblivion*, 256. *are Ordered to pay* 150000 l. ibid. *Votes about the Petty-Farmers*, 258. *who Petition the Houſe* 265.

Cuſtos Regni *inſiſted on by the Houſe of Commons*, 425. *the Judges Opinion about it*, 430.

D.

Sir Thomas Danby *a Witneſs for the Earl of* Strafford, 95.

Mr. William Davenant *accuſed for a Conſpiracy to ſeduce the Army*, 232. *a Proclamation to ſtop him*, 233. *ſent for by a Serjeant*, 245. *Committed*, 246. *Bayled*, 377.

Lord Chief Baron Davenport *Impeach'd by the Houſe of Commons*, 343. *Articles againſt him*, 347.

Sir Thomas Dawes, *a Writ*, Ne exeat regnum *againſt him*, 425.

Deans *and* Chapters, *defended by Doctor* Hacket *in the Houſe of Commons*, 240. *Speeches in Parliament concerning them*, 282. 289.

Debts *of the Kingdom conſidered by the Houſe of Commons*, 257. 724.

Declaration *of the Houſe of Commons concerning ſeveral Church-matters, without the conſent of the Houſe of Lords*, 481. *of the Houſe of Commons; of* Ireland, *upon the Queeres propoſed to the Judges, there* 584. *of the* Engliſh *Parliament touching the* Iriſh *Rebellion*, 601. *of the Houſe of Commons againſt* Inigo Jones, 728. *of the King in anſwer to the Remonſtrance*, 746. *of the Houſe of Commons, concerning the Tower and Collonel* Lunsford, 778. Declaration of the State of the Kingdom *projected*, 615. *debated*, 664. *appointed to be delivered, and by whom*, 689. *ſet down at large*, 692. &c. *how received by the King*, 709. *Houſe divided about Printing it*, 743. Declaration for a Poſture of Defence, 850. *rejected by the Houſe of Lords*, 857. Declaration *concerning Breach of Priviledges*, 853.

Sir Edward Deering *Chairman of a* Sub-Committee *for Scandalous Miniſters*, 245. *delivers the Bill for abolition of Epiſcopacy, with a Speech*, 248. *how unfortunate*, 249. *his Speech about Epiſcopal Government*, 295. *concerning the Order for removing the Communion Table*, 493. *concerning Bowing at the Name of Jeſus*, 610. *about the Declaration of the State of the Kingdom*, 664. *againſt paſſing it*, 668. *the behaviour of the factions to him*, 672.

Defence *of the* E. S. *to the firſt Article againſt him*, 54. *to the ſecond*, 55. *third*, 56. *fourth*, 58. *fifth*, 60. *ſixth*, 61. *eighth*, 63. *ninth*, 64. *tenth*, 65. *twelfth*, 67. *thirteenth*, 68. *fifteenth*, 71. *ſixteenth*, 74. *nineteenth*, 78. *twentieth to twenty fourth*, 84. *to* 87. *twenty fifth*, 89. *twenty ſixth*, 91. *twenty ſeventh*, 94. *twenty eighth*, 99.

Delinquents, *who are ſo Voted their Eſtates to be ſeized*, 511: Delinquents *about the Sope Patent*, 513.

Serjeant Dendy *Inform'd againſt for words*, 888.

Biſhop of Derry *Impeach'd*, 566. *Articles againſt him*, 570.

Sir Simon D'ewes *his Speech about the Poll-Bill*, 322. *concerning the Palatinate*, 368.

Differences *between the Lords and Commons about the Votes for the Proteſtation*, 416.

Lord Digby, *one of the Committee to prepare the Charge againſt the Earl of* Strafford, 7. *appointed one of the Managers of the Evidence againſt him*, 28. *his Speech at paſſing the Bill of Attainder*, 157. *which is Ordered to be Burnt by the Common Hangman*, 160, 389. *exceptions taken at ſome Words of his*, 271. *expelled the Houſe of Commons*, 275. *made a Baron, and added to all the ſtanding Committees*, ibid. *a Meſſage from the Houſe of Commons about him*, 791. *Information againſt him*, 845. *Summoned to attend the Houſe of Lords*, 882. *his Apology at large*, 863.

Lord Dillon *a Witneſs for the Earl of* Strafford, 56, 58, 60, 61, 71. *made one of the Lords Juſtices of* Ireland, 564. *diſplaced to pleaſe the Faction*, ibid. *Committed by the Houſe of Commons*, 786.

Directions *of the Houſe of Commons, for taking the Proteſtation*, 229. *of the ſame to their Committee, during the Receſs*, 481.

Disbanding *the Army, Votes, Orders*, &c. *about it*, 233, 286, 454, 456, 457, 458, 461. *Disbanded Soldiers to be permitted to go beyond Sea*, 495.

Dondalk *taken by the* Iriſh *Rebels*, 636.

Sir James Douglas *ſent for as a Delinquent*, 753.

Mr. Edward Dowdall's *Depoſitions concerning the Treaty between the Lords*, &c. *of the Pale, and the* Iriſh *Rebels*, 907.

Biſhop of Down, *a Warrant to him concerning Contemners of Eccleſiaſtical Juriſdiction*, 63.

William Dowſon *a Witneſs againſt the Earl of* Strafford, 94.

Thomas Drinkwater *ordered to the Pillory for a Contempt*, 238. *excuſed*, 245.

Drogheda, *ſee* Tredagh.

Dublin *Fortified*, 636. *Citizens pretend themſelves not able to raiſe* 401. ibid. *cunningly victualled by the Maſter of the* Rolls, 637. *Strangers ordered by Proclamation to depart the City and Suburbs*, 637.

Dr. Duncomb *Witneſs for the Earl of* Strafford, 55.

Dunkirkers *laden with Ammunition for* Ireland *ſtopt*, 844, 857.

Durham *Houſe aſſured to the Earl of* Pembroke *by an Act*, 426.

Dutch *Ambaſſador deſired to aſſiſt in ſtopping the* Dunkirkers, 857.

E.

EDwards *a Witneſs againſt the Earl of* Strafford, 90.

Egor *a Witneſs againſt the Earl of* Strafford, 36.

Election *of Members, Caſes about it*, 599. 870.

Sir John Elliot's *Caſe*, 376.

Biſhop of Ely *his Caſe with Lady* Hatton, 270. *ſee* Wren, *Dean of* Ely, *ſee* Fuller.

Embaſſadors *Voted not to entertain Prieſts Natives of* England, 373. French *or* Spaniſh Embaſſadors, *ſee* French *or* Spaniſh.

Epiſcopacy, *a Bill Propoſed for the Aboliſhing of it*, 248. *Sir* Edward Deering's *Speech upon it*, 248. *Sir* Benjamin Rudyard's, 249. *the Lord* Newark's, 251. *Votes of the Houſe of Lords upon it*, 255. *Report of a Conference about it*, 259. *Debated in the Houſe of Commons*, 275. *two Papers concerning it preſented to the Houſe of Commons*, 301. *Votes about it*, 380. *Order to diſcourage Petitioners for it*, 655.

Epitaphs *upon the Earl of* Strafford, 204. 205.

Sir Walter Erle *one of the Commiſſioners to prepare the Charge againſt the Earl of* Strafford, 7. *appointed one of the Managers of Evidence againſt him*, 28. *gravell'd in his Management he is aſſiſted by the Lord* Digby, 100. *ſent down to ſecure* Dorſetſhire, 233.

Earl of Eſſex *made Lord Lieutenant of* Yorkſhire, 247. *and Lord Chamberlain*, 407. *Motion of the Houſe of Commons that he have power over all the Train'd Bands South of* Trent, 608. *lays down that Commiſſion*, 684.

Evidence *againſt the Earl of* Strafford *Summ'd up by him*, 104.

Examination of Owen Connelly *about the* Iriſh *Rebellion*, 520. *of* Mac Mahon *concerning the ſame*, 521. *of* Richard Grave, 522. *of Mr. Attorney General about the five Members*, 873.

Exceptions taken at ſome words of the Lord Digby, 27. *at a Letter from the Speaker of the Houſe of Lords of* Ireland, 417. *at a Meſſage from the Houſe of Lords, by one Perſon only*, 474. *at the Biſhop of* Lincoln, 477. *at the Kings Speech*, 739.

Excluſion *of the Biſhops from Voting in the caſe of the thirteen Impeached Biſhops, a Conference about it*, 500.

Execution *of the Earl of* Strafford, 201.

Explanation *of the Proteſtation*, 241. *of the Act of Pacification*, 625.

Extract *of Letters from the Lords Juſtices of* Ireland, *to the Lord Lieutenant*, 900, 901, 902.

F.

RObert Farnham's *Depoſition in behalf of the Lord and Lady* Muskerry, 635.

Sir Robert Farret *a Witneſs for the Earl of* Strafford, 60.

Faſt *mov'd for by the Houſe of Commons for the* Iriſh *Rebellion*, 737. *agreed*, 754. *for a monthly one*, 777.

Faunt's *Caſe*, 324.

Mr. Finch, *Vicar of Chriſt-Church* London, *Votes againſt him*, 233.

Fitz-Garret *a Witneſs againſt the Earl of* Strafford, 57, 68, 74.

Florence *the Reſident from thence his Complaint*, 596. *a Committee upon it*, 645.

Forreſts *aſcertain'd in their Bounds by Act of Parliament*, 431. *many Frays happen about it*, 499. 625.

Sir Edward Fowles *a Witneſs againſt the Earl of* Strafford, 11. *Blunders in his Evidence*, 55.

Mr. Franklin, *a miſtake in his Annals rectified*, 247.

Sir Ralph Freeman *a Witneſs againſt the Earl of* Strafford, 91.

French, *the Houſe of Commons in great fear of them*, 233. 242.

French *Embaſſador deſires the* Engliſh *Diſbanded Army for his Maſters Service*, 395, 436. *Tumults about his Houſe*, 468. *intercedes for the Rioters*, 476.

Dr. Fuller *Dean of* Ely *Petitioned againſt by the Sectaries*, 492. *ſent for as a Delinquent for his Sermons*, 609. *Bayled*, 626.

G.

Sir Henry Garaway *a Witneſs againſt the Earl of* Strafford.

Gatton *in* Surry, *a diſpute about Election of Members there*, 599.

Lord General *ſcruples letting the* Scots *march through* Berwick, 452.

S. German, *a* Frenchman *committed to the* Gate-Houſe, 651. *releaſed*, 711.

Mr. Glyn *appointed a Manager of Evidence againſt the Earl of* Strafford, 28. *paſſionate at ſome expreſſions of the Earl of* Strafford, 39. *his Speech upon ſumming up the Evidence*, 124. *one of the Committees to expedite the Charge againſt the Arch-Biſhop* Laud, 265. *his Speech about breach of Priviledge*, 827.

Henry Gogan *a Witneſs againſt the Earl of* Strafford, 90.

Evers Gore *a Witneſs againſt the Earl of* Strafford, 53.

Lord Gorge *Governor of* Hurſt Caſtle *Summoned to appear*, 596.

Collonel Goring *accuſed for a Conſpiracy to ſeduce the Army*, 232. *diſcovers, a Vote in his Favour*, 272.

Lord Gorminſton *a Witneſs againſt the Earl of* Strafford, 56. *contradicts himſelf*, 57. *his Commiſſion for ſuppreſſing the* Iriſh *Rebellion*, 630. *is ſaid to have given Intelligence to the Rebells*, 905. *combines with them*, 907. *they make him General of the Forces of the Pale*, 917.

Patrick Gough *a Witneſs againſt the Earl of* Strafford, 70.

John Gower *a Witneſs againſt the Earl of* Strafford, 53.

Grand *Queſtion concerning Biſhops Votes in Capital caſes, an abſtract of it*, 503.

Lord Grandiſon *ſee* Newark.

Richard Grave *his Examination about the* Iriſh *Rebellion*, 522.

Dr. Gray *ſent for as a Delinquent*, 772.

St. Gregories *Pariſhioners Complaint againſt* Inigo Jones, 728.

Sir Henry Griffin *a Witneſs in the Caſe of the Earl of* Strafford, 93, 94.

Serjeant Grimſtone *one of the Committee to prepare the Charge againſt the Earl of* Strafford, 7. *appointed to be preſented at the Examination of Evidence againſt him*, 11. *his Speech concerning Breach of Priviledge*, 825.

Guard *Ordered about the Parliament Houſe*, 487. *a Conference about it*, 595. *Eſtabliſht by the Houſe of Commons*, 623. *Diſſolv'd by the King*, 684. *Meſſage*, &c. *about it*, 684, 685. *Reaſons of the Houſe of Commons for their Continuance*, 687. *refuſed by them when ordered by the King*, 688. *Guard not of their own appointment diſpleaſes them*, 726. *examin'd and diſcharg'd*, 727. *Votes of the Houſe of Commons about Guards*, 729, 732. *their Meſſage about it*, 789. *rejected by the Houſe of Lords*, 793. *a Committee ordered to wait upon his Majeſty concerning it*, 801. *the King orders one under the Earl of* Lindſey, 833. *the Houſe of Commons Order another under Major* Skippon, 833. *both Houſes appoint a Guard upon the Tower*, 844. *an Order drawn up by the Houſe of Commons for Guards and neceſſary defence*, 878.

Gun-Powder, *an Act for importing and free making it*, 416, 438.

Gunners *of the Tower examined by the Houſe of Commons*, 856.

Sir Richard Gurney, *Lord Mayor of* London, *Knighted*, 676.

H.

Dr. Hacket'*s defence of Deans and Chapters in the Houſe of Commons*, 240.

Hampden *one of the Committee to prepare the Charge againſt the Earl of* Strafford, 7. *appointed a Manager of Evidence againſt him*, 28. *one of the Committee to expedite the Charge againſt Arch-Biſhop* Laud, 265. *Impeached of High Treaſon*, 811. *his Speech in vindication of himſelf*, 817. *a Petition from* Bucks *to the King about him*, 840.

Marqueſs Hamilton *a Witneſs in the caſe of the Earl of* Strafford, 86. *made a Duke*, 683. *his complement to the Houſe of Commons, concerning the Arms at* Fox-Hall, 870.

James Hanham *his Houſe ſearch'd for Arms*, 848.

Sir Simon Harcourt *arrives at* Dublin *with a Regiment*, 918.

Robert Hawood *ordered to the Pillory for Contempt*, 238. *excuſed*, 245.

Lady Hatton *and Biſhop of* Ely *their Caſe*, 270.

Sir Arthur Hazlerig *Impeach'd of High Treaſon*, 811.

Biſhop of Hereford *excuſed part of his* Poll-Money, 709.

Marqueſs of Hertford *introduc'd into the Houſe of Lords*, 265. *ordered to take charge of the Prince in perſon, his anſwer*, 595. *a Meſſage about it from the Houſe of Commons*, 857.

Hertfordſhire *Petition*, 753.

Dr. Heywood *Petition'd againſt by the Sectaries*, 492.

Hibbols

Hibbols *a Witneſs againſt the Earl of* Strafford, 62.

Mr. Hide *his Speech at the delivery of the Articles againſt the Lord Chief Baron,* &c. 343.

High Commiſſion *Court a Bill for taking it away*, 257.

Collonel Hill *Voted Delinquent for raiſing Volunteers for* Ireland, 874.

Earl of Holland *a Witneſs in the Caſe of the Earl of* Strafford, 84.

Mr. Jervis Holls, *who had been expell'd the Houſe for an honeſt Speech, reſtor'd*, 710.

Dr. Hollis *and others, Votes in their fa. vour*, 331, 373. *his Speech in praiſe of Sir* Randol Crew, 365. *concerning the Palatinate*, 378. *in juſtification of the Votes for taking the Proteſtation*, 416. *he is Impeached of High Treaſon*, 811.

Honours, *a Conference about the Kings beſtowing them*, 325.

Horſes, *inquiry after Tranſporters of them*, 655.

Sir John Hotham *a Witneſs in the Caſe of the Earl of* Strafford, 92. *appointed Governor of* Hull *by the Houſe of Commons*, 833.

Hoy *a Witneſs againſt the Earl of* Strafford, 62.

Hull, *Order for the Mayor to take care of it*, 753. *Order that Sir* John Hotham *be Governor of it*, 833.

Huntingdonſhire *Petition for Epiſcopacy*, 720.

Hurſt *Caſtle going to Decay, Examined*, 596.

Mr. Hutton *Curate of St.* Giles Cripple-Gate *Petition'd againſt*, 492. *ordered to be taken into cuſtody*, 497.

Hypocriſie *of the* Anti-Epiſcopal *Grandees*, 261.

I.

King James *his Collection out of* Bellarmin, 226.

Mr. Henry Jermyn *accuſed for a Conſpiracy to ſeduce the Army*, 232. *a Proclamation to ſtop him*, 233. *Voted chargeable with High Treaſon*, 443. *Voted to be Impeach'd*, 754.

Impeachment *of the Earl of* Strafford, 7. *of Sir* George Radclif, 8. *of Sir* Robert Berkley, 332. *of the Barons of the Exchequer*, 343, 352, 356. *of Mr. Juſtice* Carwley, 357. *of the Lord Chief Juſtice* Bramſtone, 363. *of the Biſhops for the New Canons and Oath*, 418, 443. *ſecond Impeachment of the ſame*, 717.

Incendiaries *a Commiſſion for their Proſecution*, 444. *who were meant*, 447.

Information *againſt the Biſhop of* Bath *and* Wells, 413. *of Arms in the Marqueſs of* Wincheſter's *Houſe*, 453. *of two* Iriſh *men from* Cheſter, 604. *of Collonel* Hunks *againſt two* Iriſh *men for Liſting Soldiers*, 612. *of dangers in* Lancaſhire, 650. *of a Ship of* Frenchmen *in* Milford-Haven, 710. *of a Barrel of Gunpowder ſent into the Country for a Barrel of Soap*, 719. *that Members of Parliament were the occaſion of the Tumults*, 790. *againſt the Lord* Digby *and Collonel* Lunsford, 845. *againſt Serjeant* Dendy, 888. *of* O. Cromwell *againſt a Gentleman of* Huntingdonſhire, ibid. *of one* Wiſhert, *that Cardinal* Richelieu *fomented the* Iriſh *Rebellion*, 897. *frivolous Informations a Committee for them*, 855.

Sir Thomas *and Sir* William Ingram *Witneſſes in the Caſe of the Earl of* Strafford, 83, 94.

Inſtructions *for the Commiſſioners for* Scotland, 451, 455. *to the Commiſſioners for diſarming* Popiſh *Recuſants*, 473. *additional Inſtructions for the Commiſſioners in* Scotland, 494, 616. *debated by the Houſe of Lords*, 623. *Inſtructions for the Commiſſioners to treat with the* Scotch *Commiſſioners about aſſiſting* Ireland, 720. *approved by the King*, 723.

Interrogatories *for further Examination of* O Connelly, 596.

Inigo Jones, *a Declaration of the Houſe of Commons againſt him*, 728. *Ordered by the Houſe of Lords to anſwer*, 729. *his Anſwer*, 771.

Iriſh *Affairs, a grand Committee about them*, 5. Iriſh *Remonſtrance*, 36, 555, 561. *the condition of the* Iriſh *Army in the Earl of* Strafford's *time*, 537. *the ſad State of affairs there at the time of the Rebellion*, 627. Iriſh *Nobility and Gentery, ſome kind to the* Engliſh, 634, 635.

Iriſh *Rebellion, the News of it communicated to the Houſe of Commons by the Lords of the Council*, 513. *a Letter about it from the Council in* Ireland *to the Lord Lieutenant General*, 514. *Proclamation of the Lords Juſtices to ſtop it*, 522. *Report of a Conference of both Houſes about it*, 524. *an account of ſome occaſions of it*, 526, &c. *Words of* Εἰκὼν Βασιλικὴ *upon it*, 540. *Relation of it by the Lord* Macguire, 543. *the Rebels their Remonſtrance*, 555. *a Manuſcript of the Earl of* Clarendon's *concerning it*, 590. *Votes and Orders of Parliament relating to it*, 600, 601, 603, 651, 642.

Judges *their Opinion upon an Exception of the Earl of* Strafford, 101. *upon the*

Bill of Attainder, 192. *Articles againſt them*, 324. *not to Travel on the Lords day*, 325. *their reſolution to certain Quaries about matters in Parliament*, 374. *a Conference about their Impeachment*, 420. *their Opinion concerning a* Cuſtos Regni, 430. *their Report of the Statutes in Force againſt Riots*, &c. 709.

Judges in Ireland *their Anſwer to Quaries of the Parliament there*, 575.

Dr. Juxon *diſſwades the Kings paſſing the Bill againſt the Earl of* Strafford, 192.

K.

JOhn Kay *a Witneſs againſt the Earl of* Strafford, 58.

Lord Keeper *craves ſome time to retire*, 712. *his* Letters, *ſee* Letters.

Robert Kennyday *a Witneſs againſt the Earl of* Strafford, 55. 70.

Dr. Ker *Dean of* Ardagh *his Depoſition, concerning the Calumny thrown upon the King, of giving Commiſſion to the* Iriſh *Rebels*, 528.

Lord Kilmallock *a Witneſs againſt the Earl of* Strafford, 56, 57.

Kilvert *a Patentee*, 256. *Bail'd*, 475.

Lord Kimbolton *Impeach'd of High Treaſon*, 811. *his Speech thereupon*, 815. *moves to be Tryed*, 835. *a Meſſage from the King concerning him and the five Members*, 848.

The King *preſent incognito at the Tryal of the Earl of* Strafford, 29. *his Speech to both Houſes concerning the Earl of* Strafford, 186. *his Meſſage to the Houſe of Commons about the Tumults diſregarded*, 189. *in great doubt about paſſing the Bill againſt the Earl of* Strafford, 192. Εἰκων Βασιλικὴ *thereupon*, 193. *he paſſes it by Commiſſion*, 195. *his Letter to the Houſe of Lords concerning the Earl of* Strafford, 197. *his Anſwer to the Parliament concerning his Servants*, 231. *paſſes three Bills*, 243. *his Speech in anſwer to the Speaker about the Bill for Tonnage and Poundage*, 308. *his Speech at Paſſing the Bills againſt Star-Chamber and High-Commiſſion*, 327. *his Manifeſto about the Palatinate*, 383. *his anſwer to the Propoſition about Evil Councellors*, 387. *aſſents to the five Propoſitions*, 404. *takes leave of his Parliament*, 438. *ſets forward for* Scotland, 439. *arrives there*, 453. *his Speech to the Parliament there*, ibid. *his Letter denying to Sign a Commiſſion to the Parliaments Commiſſioners*, 468. *his reaſons for ſo doing*, 469. *his Letter to the Lord Keeper*, 497. *clear'd of Phanatick Calumnies concerning the* Iriſh *Rebellion*, 528, 638. Εἰκων Βασιλικὴ *thereupon*, 540. *acquaints the Parliament with it*, 600. *his diligence to ſuppreſs the* Iriſh *Rebellion atteſted by the Parliaments Commiſſioners*, 612. *returns from* Scotland, 675. *his Reception in* London, 675. &c. *his Speech in anſwer to the Recorder*, 676. *his Letter ſhewing his firmneſs to the Eſtabliſhed Religion*, 683. *his Speech to both Houſes after his return from* Scotland, 708. *after what manner he receives the Remonſtrance of the Houſe of Commons*, 709. *promiſes to keep his* Chriſtmas *at* White-Hall, 712. *approves the Inſtructions of the Commiſſioners to Treat with the* Scotch *Commiſſioners about aſſiſtance for* Ireland, 723. *his Speech to both Houſes concerning* Ireland, 738. *his anſwer to the Petition, accompanying the Remonſtrance*, 745. *his Declaration in anſwer to the Remonſtrance*, 746. *his anſwer to the Petition about Breach of Priviledge*, 762. *to the Meſſage of the Houſe of Commons about a Guard*, 803. *demands the five Members by a Serjeant at Arms*, 814. *comes in Perſon to the Houſe of Commons for them*, 820. *his Speech then there*, ibid. Εἰκων Βασιλικὴ *upon that matter*, 821. *a lewd Pamphlet upon the ſame*, 830.

Sir Robert King *a Witneſs in the Caſe of the Earl of* Strafford, 83.

Knighthood, *a Bill to prevent Vexatious Suits about it*, 309. *paſt the Houſe of Lords*, 424.

Kynaſton's *Caſe*, 258.

L.

LAmbeth *Houſe Searched for Arms*, 236.

Mr. Lane *appointed Council for the Earl of* Strafford, 10. *his Argument in his behalf*, 153. *appointed for Judge* Berkley, 499. *for the twelve Impeach'd Biſhops*, 812.

Arch-Biſhop Laud *takes his leave of the Earl of* Strafford, 198. *a Committee to expedite the Charge againſt him*, 265.

Lay-Preachers *complain'd of*, 265. *reprehended*, 270.

Lecturers *the Tools of the Factions*, 234. *an Order for them*, 477.

Captain Legg *ſent for as a Delinquent*, 726. *Bail'd*, 775. 780. *deſign'd for* Hull *by the King, ſtopt by the Houſe of Commons*, 856.

Earl of Leiceſter *Lord Lieutenant of* Ireland *enabled by Ordinance of Parliament to Raiſe Men*, 606. *ſcruples it without the Kings Command*, 615. 652. *Order concerning him*, 543. 754.

Sir Thomas Leighton *a Witneſs againſt the Earl of* Strafford, 54.

Dr. Leighton *a Turbulent Preacher Enlarged*, 309.

Lenthal *Speaker of the Houſe of Commons his Letter to Sir* Edward Nicholas *to get quit of the Chair*, 713, *another*, 714. *See Speaker*.

General Leſhly *made Earl of* Leven, 683.

Letters *of the King, to the Earl of* Strafford, *commanding a Proclamation to prohibit the* Iriſh *going beyond Seas*, 75. *to the ſame about the* Oath, 80. *to the Houſe of Lords concerning the Earl of* Strafford, 197. *to the Lord Keeper denying to paſs a Commiſſion for the Parliaments Commiſſioners*, 468. *to the Lord Keeper*, 497. *to Mr.* Nicholas Shewing *his reſolution to maintain the Eſtabliſh'd Religion*, 683. *to both Houſes about the Prince*, 889.

Letters *by Order of either Houſe of Parliament, to Sir* Jacob Aſhley, 228. *to the Army*, 235. *to the Lord General*, 441. 445. 453. *to the ſame concerning* Hull, 448. *to the Sheriffs about Poll-Money*, 458. *to the Lord Generall about Diſbanding*, 461. *to the Lords Juſtices of* Ireland *in behalf of Sir* George Radcliff, 464. *to the Commiſſioners in* Scotland, 494. *to the Lords Juſtices of* Ireland, 602.

Letters *of the Lords Juſtices of* Ireland *to the Lord Lieutenant General concerning the* Iriſh *Rebellion*, 514. *to the Earl of* Ormond *to perſecute the Rebels*, 538 *to the Lord Keeper and Lord Lieutenant of the great Danger there*, 624. *to the Nobility and Gentry informing the Diſcovery of the Plot*, 628. *to the Earl of* Ormond *concerning the ſame*, 629. *to the Lord Keeper and Lord Lieutenant concerning the condition of the Place*, 661. *to the Parliament about the* Dunkirkers, 784. *to the Privy Council*, 889. *to the Houſe of Commons*, 892, 893. *to the Lord Lieutenant*, 900, 901, 902, 911. *to the Speaker of the Houſe of Commons*, 903. *to the Lords of the Pale*. 906.

Letter *of the Earl of* Strafford *to the King deſiring him to paſs the Bill againſt himſelf*, 190. *from* Newcaſtle *read in the Houſe of Lords*, 337. *of Mr.* Percy *to the Earl of* Northumberland, 286. *of Father* Philips *to Mr.* Mountague *in* France, 315. *of the Queen of* Bohemia *of thanks to the Parliament*, 411. *of the Speaker of the Houſe of Lords of* Ireland *to the Houſe of Lords of* England *gives offence*, 417. *of the Earl of* Holland *about Diſbanding*, 457. *of the Lord General to the Parliament*, 469. *of the* Lord Howard *about a Conſpiracy in* Scotland, 488. *of Sir* William Cole *to the Lords Juſtices juſt before the Diſcovery of the Rebellion*, 519. *of the Earl of* Strafford *concerning the State of the Army in* Ireland, 537. *of Sir* Henry Vane *to the Lords Juſtices of* Ireland, 565. *of the Lord* Howard *to the Lord Keeper*, 603. 612. *thoſe from* France *and* Antwerp *ſtopt*, 615. *of the Earl of St.* Albans *about Affairs in* Ireland, 686. *of Sir* J. Temple *concerning the ſame*, 761. *Letters of a Plot againſt the Houſe of Commons*, 836. *a conjecture at the Writer*, 837. *Letters to one Mr.* Crofts, *ordered to be opened*, 847. *of Sir* Phelim O Neal, *to* Sir William Hamilton, 895. *of one* Roche *intercepted*, 896. *of the Inhabitants of* Longford *to the Lord* Dillon, 898. *of Collonel* Monk *to the Lord Lieutenant of Ireland*, 919. Letters *from Foraign Parts ordered to be opened*, 247. 307, 523.

Licence *for Raiſing men for the* Dutch *Service*, 723, 724.

Lie *given to a Peer is a Breach of Priviledge*, 380.

Lilburn, *Votes in his Favour*, 211.

Biſhop of Lincoln *gives Offence to the Houſe of Commons*, 477.

Liſt *of the Prime Papiſts deſired by the Houſe of Commons to be ſecured*, 662. *debated by the Houſe of Lords*, 667. *of the principal* Iriſh *Rebels*, 888.

Robert *and* Thomas Little, *Witneſſes for the Earl of* Strafford, 54. 70.

Locumtenens, *ſee* Cuſtos Regni.

Sir Adam Loftus, *a Witneſs in the Earl of* Strafford's *Caſe*, 58, 61, 78.

Biſhop of London *a Witneſs in the Caſe of the Earl of* Strafford, 82. *releaſed of Tenths upon the Poll-Bill*, 780.

Londoners *Petition againſt the Earl of* Strafford, 160. *mov'd to lend Money*, 236. 407. 411. 595. 597. *their Controverſie with the Lord Mayor about the Election of a Sheriff*, 318, 319. 407. 409. *referred*, 413. 445. *determin'd*, pro hac vice, 456. *are Mutinous*, 459. *Petition for a Faſt*, 463. *and againſt Biſhops Votes*, &c. 733. *and for diſplacing Collonel* Lunsford *Lieutenant of the Tower*, 773.

Londonderry *in* Ireland, *Votes about it*, 461.

Juſtice Long *ſent to the* Tower *for placing a Guard about the Parliament Houſe without their knowledge*, 732. *releaſed*, 772.

William Long *a Witneſs againſt the Earl of* Strafford, 54.

Longford, *the Inhabitants there their Letter to the Lord* Dillon, 898.
Lords-day *Idoliz'd by the Houſe of Commons*, 325. 436. 777.
Lords *Houſe Interpreters of Acts of Parliament in Parliament time*, 625. Lords *ſent for by the King, not permitted to go by the Houſe of Lords*, 836.
Lorky *a Witneſs againſt the Earl of* Strafford, 74.
Roger Lott *a Witneſs againſt the Earl of* Strafford, 59.
Sir Gerard Lowther, *Articles againſt him*, 570.
Sir Thomas Lucas, *a Witneſs in the Caſe of the Earl of* Strafford, 86.

M.

Lord Macguire's *Relation of the* Iriſh *Rebellion*, 543.
Mac-Mahon *his Examination and Confeſſion about the* Iriſh *Rebellion*, 521.
Managers *of the Cauſe againſt the Earl of* Strafford, 29. *deny reaſonable time for anſwer*, 40. 54. 81. 100.
Earl of Mancheſter's *Manuſcript Memoires cited*, 206, 209, 272. 427, 689.
Manifeſto *of the King about the Palatinate*, 383.
Sir Philip Manwaring *a Witneſs for the Earl of* Strafford, 78, 81.
Marches *of* Wales, *a Bill about them*, 394.
Mariners, *a Bill for raiſing them*, 236, 237. 243.
Marſhal *Ordered to Preach before the Houſe of Commons on the Thankſgiving-day*, 467. *and on the Faſt-day for* Ireland, 756. *receives the thanks of the Houſe, and a Piece of Plate of* 20 l. 775.
Maynard *appointed a Manager of Evidence againſt the Earl of* Strafford, 29. *his Speech againſt the Earl of* Strafford *upon the firſt Article*, 48. *one of the Commiſſion to expedite the Charge againſt the Arch Biſhop of* Canterbury, 265.
Lord Mayor *of* London *quells a Tumult about the* Spaniſh *Ambaſſadors Houſe*, 187. *his (with the Aldermens,* &c.*) Petition to the King about his going to the Houſe of Commons*, 841.
Maxwel *a Witneſs againſt the Earl of* Strafford, 78. *his rudeneſs why not taken notice of by the Houſe of Commons*, 195. *ſearches for Prieſts*, 651.
Biſhop of Meath *an Account of him*, 535.
Memoirs *of the Earl of* Mancheſter *cited*, 206, 209, 272, 427. 689.
Memorial *of the* Venetian *Ambaſſador about breaking open his Pacquet*, 640.
Memorials *from the* Scotch *Commiſſioners*, 440.
Mr. Audly Mervin's *Speech at exhibiting Articles againſt Sir* Richard Bolton, 566.
Meſſage of the King, to the Houſe of Commons concerning the Tumults diſregarded, 189. *to the Houſe of Lords concerning the ſame*, 210. *to the Houſe of Commons concerning the Lord* Cottington, 236. *to the Houſe of Lords concerning Disbanding the Army*, 314, 318. *to the Houſe of Commons about the Queen Mother*, 329. *to the ſame concerning the Officers of Star-Chamber*, 368. *and about a Prieſt of the* Venetian *Ambaſſador*, 394. *to the Houſe of Lords concerning Commiſſions*, 410. *to the ſame about Soldiers for the* Spaniſh *Ambaſſador*, 457. *to the ſame concerning Guards*, 684. *to both Houſes about the* Scots *Commiſſioners and ſome Prieſts interceded for by the* French *Ambaſſador*, 719, 731. *to the Houſe of Lords concerning Voluntiers for* Ireland, 787, 789. *to the Lord Major*, &c. *of* London *to ſuppreſs Tumults*, 804. *to the Houſe of Lords concerning* Kymbolton *and the five Members*, 848. *to both Houſes concerning Breach of Priviledge*, 858. *Meſſage of the Queen to the Houſe of Commons about her Journey*, 405.
Meſſage *of either Houſe, to the King upon occaſion of his Letter about the Earl of* Strafford, 197. *to deſire him to ſtop ſome Allowances*, 368. *of the Houſe of Commons to the Houſe of Lords about a Conſpiracy to ſeduce the Army*, 231. *about reſtraining Eccleſiaſtical perſons from medling in ſecular affairs*, 242. *about paying the brotherly aſſiſtance to the* Scots, 315. *about the Charge and Trial of the Arch-Biſhop of* Canterbury, 318. *to the Lord Keeper, that the Judges travel not on the Lords day*, 325. *about three Bills*, 331. *concerning Disbanding the Army*, 424. *about making the Earl of* Pembroke *Lord Steward and the Earl of* Salisbury *Lord Treaſurer*, 437. *about the Impeach'd Biſhops*, 439. *deſiring that a convenient number of Lords ſtay in Town*, 445. *concerning the deſperate condition of the Kingdom*, 447. *Meſſage from the Houſe of Lords to the Houſe of Commons by one perſon only gives offence*, 474. *Meſſage of the Houſe of Commons to the Queen about the Prince*, 597. *to the Houſe of Lords about* Philips *the Prieſt*, ibid. *to Forraign Ambaſſadors not to harbour* Engliſh *Prieſts*, 652. *to the Houſe of Lords to preſs expedition for* Ireland, 750, 761, 768, 769. *concerning a Declaration to ſuppreſs*

preſs Tumults, and a Guard, 789. *concerning the Lord* Digby, 791. *to revive the Bill againſt Biſhops Votes,* 800. *that the Kings, Queens, and Princes Servants take the Oaths of Allegiance and Supremacy,* 814. *to the Gentlemen of the Inns of Court and to the Common-Council of* London, 817. *about the Kings coming to the Houſe,* 822. *their Meſſage about the Tower rejected,* 835. *concerning the Prince and Marqueſs of* Hertford, 657. *concerning the adjournment to* Grocers *Hall,* &c 879, 880. *Meſſage from the* Scots *Commiſſioners about the Kings Journey into* Scotland, 318. *of the* Venetian *Ambaſſador to the Houſe of Lords,* 655.

Michaelmas *Term abbreviated,* 238, 243.

Militia *enquired into by order of the Houſe of Commons,* 230.

Mines *Royal Order about them,* 446.

Scandalous Miniſters *a Committee about them,* 233. *Factious Miniſters, their Petition to the Houſe of Commons,* 764.

Money *borrow'd of the* Londoners *by the Houſe of Commons,* 236. *deſired to be continued,* 255. *more to be borrowed,* 407, 411, 595, 597, 644. *an Ordinance for ſecuring Money lent by the City,* 621, 687. *Money to be conveyed to the Army, an Order for its ſafety,* 415.

Colonel Monk *his Letter to the Lord Lieutenant of* Ireland, 919.

Earl of Monmouth's *Speech concerning fears,* &c. 849.

Sir James Montgomery *a Witneſs againſt the Earl of* Strafford, 64, 77.

Lord Morley *Ordered to be Tryed by his Peers for Murther,* 307.

Earl of Morton *a Witneſs in the Caſe of the Earl of* Strafford, 82.

Lord Mountnorris *a Witneſs againſt the Earl of* Strafford, 36, 39, 59, 63.

Lord and Lady Muskerry Iriſh *Papiſts, kind to the* Engliſh, 635.

N.

NAmes *of the perſons who made the ſeveral motions towards the Declaration of the State of the Kingdom,* 615. *of the chief* Iriſh *Rebels,* 632.

Narrative *of a Plot by* Beal *a Taylor,* 647.

James Naſh *a Witneſs againſt the Earl of* Strafford, 874.

Naſh *and* Kynaſton's *Caſe,* 258.

Navy, *the State of it,* 460. *Debated,* 757. *Order of the Houſe of Commons about it,* 787.

Sir Paul Neal *a Witneſs for the Earl of* Strafford, 95.

Lord Nettervile's *Son ordered to be brought before the Houſe of Lords,* 877.

Lord Newark *his Speech about the Peerage of Biſhops,* 251. *concerning their medling in ſecular Affairs,* 252.

Lord Newburgh *a Witneſs in the Caſe of the Earl of* Strafford, 83.

Newcaſtle, *an Order to the Major to take care of it,* 753.

Earl of Newport *made Conſtable of the Tower,* 230. *enabled as Maſter of the Ordnance to deliver Arms,* &c. *for* Ireland, 606, *deſired by the Houſe of Commons to reſide in the Tower,* 780. *inform'd againſt for a deſign to ſeize the Queen,* &c. 781. *diſcharged of his Conſtableſhip of the Tower,* 785. *Petition of both Houſes about him,* 786.

Non-Reſidence, *a Bill againſt it,* 293.

Earl of Northumberland *a Witneſs in the Caſe of the Earl of* Strafford, 82, 86.

O.

OAth *of Allegiance and Supremacy by Order of the Houſe of Commons to be tendred to* Iriſh *Recuſants and others in the Inns of Court,* 613. *and to the Kings, Queens, and Princes Servants,* 814. *the Oath for* Ireland, *an Act of State and Petition about it* 79. *Oath of Secrecy adminiſtred to perſons concerned in preparing for the Tryal of the Earl of* Strafford, 11.

Officers *of the Army Petition for Pay,* 660, 757. *Ordered a Moiety,* 772. *thoſe in* Ireland *commanded to their Charges,* 594. *and in the examination of the Army Conſpiracy,* 232.

O Neal, *a Serjeant Major ſent for,* 286. *Committed,* 490. *Ordered to be examined,* 492, 625, 714. *Voted to be impeach'd of High Treaſon,* 754. *committed to the* Gate-houſe, 757. *Sir* Phelim O Neal *his Execution,* 529. *his Letter to Sir* William Hamilton, 895.

Opinion *of the Judges, upon an exception of the Earl of* Strafford, 101. *upon the Bill of Attainder,* 192. *in the Caſe of Ship-money,* 338. *in anſwer to ſome Quaries concerning matters in Parliament,* 374. *concerning a* Cuſtos Regni, 430. *Opinion of the Houſe of Lords about a Commiſſion for Commiſſioners to attend the King in* Scotland, 448. 451. *Opinion of a City Divine about Epiſcopacy preſented to the Houſe of Commons,* 302.

Orders *of both Houſes, relating to the Trial of the Earl of* Strafford, 28. *for the payment of the Poll-Money, to expedite disbanding,* 458. *for declaring the* Scotch *Rebels*

Rebels to be loyal Subjects, 467. *for ſecuring the Money borrowed of the City*, 687. *for a Guard upon the Tower*, 844.

Orders *of the Houſe of Lords concerning new Proofs againſt the Earl of* Strafford, 102. *to ſtop the Ports*, 232. *to pillory two Perſons for a contempt*, 238. *about Tumults*, 246, 388, 468, 476, 603, 692, 856, 484, 495, 691, 718. *about Ship-Money in the Sheriffs hands*, 264. *againſt formal Speeches*, 265. *about Writs of Error*, 272. *for Proviſion for Siſters by a Brother*, 367. *for relief of Wife and Children againſt a Husband refuſing to cohabit*, 381. *concerning a Vicarage between Sir* Peter Osborn *and* Thomas Joice, 382. *concerning the Arch-Biſhops Poll-Money*, 387. *for ſecuring Money carried to the Army*, 415. *for the Lady* Wotton, 420. 457. *for exemplifying the Acts for Pacification and Brotherly Aſſiſtance*, 439. *for examining Witneſſes about Incendiaries*, 444. *for referring the Election of Sheriffs of* London, 445. 456. *about Mines Royal*, 446. *concerning the impeached Biſhops*, 449, 484, 495, 691, 718. *ſearch under the Parliament Houſe*, 450. *to quicken the disbanding*, 457. *concerning a Guard about the Parliament Houſe*, 487. *concerning the relief of* Ireland, 601, 603, 626. *to expel* Romiſh *Recuſants out of* Inns of Court, 613. *for bringing Ammunition from* Hull, 643. *about the Lord Lieutenant of* Ireland, *ibid. for apprehending Prieſts and Jeſuites*, 647, 648. *for putting the Laws in execution againſt* Romiſh *Recuſants*, 653 *for ſetting aſide private Buſineſs*, 686. *concerning Books ſeized by High Commiſſion*, 690. *that* Philips *be releaſed*, 691. *in* Smith *and* Busby's *Caſe*, 716. *for reviving the Committee for Scandalous Pamphlets*, 723. *and for Licenſe to raiſe Men for the* Dutch, *ibid.*

Orders *of the Houſe of Commons that no Members viſit the Earl of* Strafford, 8. *to inquire into the Militia*, &c. 230. *in behalf of* Pryn, 251. *about disbanding the Armies*, 286, 454. 456. *concerning the Northern Counties*, 314. *about Members of Committees*, 319. *for afternoon Sermons in all Parochial Churches*, 383. *for abſent Members*, 433. *that Mr.* Marſhal *and Dr.* Burgeſs *Preach the Thankſgiving Sermon before them*, 467. *about a full Houſe*, 476. *for Match and Bullet for the Parliaments Guard*, 496. *for laying by private buſineſs*, 510. *for opening the* Iriſh *Letters*, 523. *concerning relief for* Ireland *and* Iriſh *Affairs*, 601, 603, 613, 622, 626, 824. *concerning the Guard for the Parliament*, 623. *concerning the Second Plot in the Army*, 653. *to diſcourage Petitioners for Epiſcopacy*, 655. *for clearing the Kings Honour from the ſcandal of the* Iriſh *Rebels*, 689. *for a Search about a Barrel of Gun-Powder*, 719. *for Printing the Remonſtrance*, 437. *for care of* Berwick, Hull *and* Newcaſtle, 753. *concerning the Navy*, 787. *for a double Watch*, 794. *for a Guard under Major* Skippon, 833. *for Sir* John Hotham *to keek* Hull, ibid. *for Guards and neceſſary defence*, 878.

Orders *of the Lords Juſtices of* Ireland, *againſt the Rebels*, 908, 910. *Orders for preventing the ſpreading of the Plague*, 478.

Ordinance *of both Houſes for Commiſſioners to go for* Scotland, 455. *for a Thanksgiving for the Pacification*, 463. *for diſarming Recuſants*, 470. *againſt Tranſporting Soldiers into the Service of Forraign Princes*, 481. *for empow'ring the Lord Lieutenant of* Ireland *to raiſe Men*, 606. *for enabling the Maſter of the Ordnance to deliver Ammunition*, ibid. *authorizing the Lord High Admiral to provide Shipping*, 607. *for ſecuring money borrow'd of the City of* London, 621. *to prohibit the* Iriſh *going out of* England *without Licence*, 621. *upon* Beal's *Plot*, 646. *to raiſe the Trained Bands*, 653.

Earl of Ormond *ſpeeds to* Dublin *with his Troop at Summons of the Lords Juſtices*, 629. *is made Lieutenant General of the Army in* Ireland, 904. *diſlodges the Rebels at* Finglaſs, 618.

Earl of Orrery's *Anſwer to* P. W. *quoted* 526.

Sir Edward Osborn *a Witneſs for the Earl of* Strafford, 95. *his Warrant for levying Money*, 98.

Overtures *for a Treaty with the* Iriſh *Rebels*, 917.

Oxford *Univerſity, their Petition to the Parliament, in behalf of Epiſcopacy*, 305. Oxfordſhire *Petition againſt it*, 409.

P.

Pacification *between the* Engliſh *and* Scots, 430, 438.

Palatinate, *a debate upon it*, 328, 368. *Vote about it*, 373. *the King's Manifeſto upon it*, 383. A. Palmer *a Witneſs againſt the Earl of* Strafford, 90. *Captain* Palmer *accuſed for a Conſpiracy to ſeduce the Army*, 232. Jeffery Palmer *a manager of Evidence againſt the Earl of* Strafford, 29.

Sir William Parkhurſt *a Witneſs againſt the Earl of* Strafford, 91.

William Parkins *his Speech about Biſhop* Wren, 330.

Parliament *meets at* Weſtminſter, 5. *perpetuated by an Act*, 195. *their firſt Ordnance*, 455. *agree to a Receſs*, 464. *Order a Guard for themſelves*, 487, *Parliament in* Ireland *their Quaries to the Judges there*, 572. *their Proteſtation and Declaration againſt the Rebellion*, 898. *Parliament in* Scotland *their reſolutions concerning the* Iriſh *Rebellion*, 603. *Tranſactions between them and the* Engliſh *Commiſſioners*, 608.

Henry Parry *a Witneſs againſt the Earl of* Strafford, 74. *the Sentence paſt on him by the* Iriſh *Council*, 76.

Sir William Parſons *made one of the Lords Juſtices of* Ireland, 564.

Sir William Pennyman *a Witneſs for the Earl of* Strafford, 55, 86, 95. *his Warrant to his Serjeant Major to raiſe Money*, 93.

Alderman Penington *informs againſt the Miniſter of* Grace-Church, 773.

Mr. Henry Percy *accuſed for a Conſpiracy to ſeduce the Army*, 232. *a Proclamation to ſtop him*, 233. *Conference about him*, 245. *his Letter to the Earl of* Northumberland *about it*, 286. *Voted Chargeable with High Treaſon*, 443. *Expell'd the Houſe of Commons*, 725. *Voted to be impeach'd of High Treaſon*, 754.

Petition *and Act of State about the Oath in* Ireland, 79. *Petition of the* Yorkſhire *Gentry*, 92. *of the* Londoners *againſt the Earl of* Strafford, 160. *of the like Rabble againſt the ſame*, 189. *of the Earl of* Strafford *to the Houſe of Lords in behalf of his Children*, 196. *of the Univerſity of* Cambridge, 239. *and of the Univerſity of* Oxford *for Epiſcopacy*, 305. *from ſeveral Miniſters of* Wales *againſt Epiſcopacy*, 317. *of the Miniſters and People of* Oxfordſhire *and* Berks *againſt the ſame*. 409. *of both Houſes concerning Commiſſioners for* Scotland, 451. *of Sir* George Radcliff, 464. *of ſome Merchants for ſeizing parts of* America, 467. *of the Sectaries againſt Dr.* Heywood, *Mr.* Booth, *Dr.* Fuller *and Mr.* Hutton, 492. *of Judge* Berkley, 498. *of the Parliament to the King in* Scotland, 644. *of* Rutland *for Epiſcopacy*, 656. *of Officers for pay*, 660. *of the Houſe of Commons to accompony the Remonſtrance*, 692. *of* Huntingtonſhire *for Epiſcopacy*, 720. *of* Somerſetſhire *for the ſame*, 726. *of the factious* Londoners *againſt Biſhops Votes*, &c. 733. *incouraged by the Houſe of Commons*, 733, 735. *of the Parliament concerning breach of Privilege by the King's Speech*, 751. *of* Hertfordſhire, 753. *of* Cheſhire *for the Eſtabliſh'd Religion*, 758, 759. *of the remonſtrating Miniſters to the Houſe of Commons*, 764. *of the* Iriſh *Lords and Gentlemen*, 769. *of the* London *Prentices about Church-Government*, &c. 775. *of ſeveral Merchants concerning* Ireland, 776. *of both Houſes about the* Kenſington *Buſineſs*, 786, *of the Biſhops with their Proteſtation*, 794. *of the men of* Bucks *againſt Malignants*, &c. 834, 839. *of the trained Bands of* Weſtminſter *about dangers*, 839. *of the Men of* Bucks *to the King concerning* Hampden, 840. *of the Lord Mayor*, &c. *about the King's going to the Houſe of Commons*, 841. *of ſeveral Merchants and others againſt Sir* John Byron, 881. *of the Biſhops either to be tried or bailed*, 883. *Petition and Advice of the* Scots *Commiſſioners to the King*, 876.

Petitioners *for Epiſcopacy diſcouraged*, 655.

Sir John Pettus *Knighted*, 680.

Father Philips *the Queens Confeſſor*, 310. *appears* 315. *ſent to the Tower*, 594. *a Meſſage about him from the Houſe of Commons to the Houſe of Lords*, 597. *an Information againſt him*, 599. *the Queens Letter concerning him*, 605. *petitions to be releaſed*, 661. *order of the Houſe of Lords about him*, 691. *and of the Houſe of Commons about his Trunk*, 692. *bailed*, 711.

Biſhop Pierce, *ſee Biſhop of* Bath.

Lord Pierepoint *ordered to the Black Rod for Words*, 740. *petitions to the Houſe of Lords and is releaſed*, 742.

Sir William Pierepoint *his Speech at the Impeachment of Sir* Robert Berkeley, 332.

William Pierſon *a Witneſs againſt the Earl of* Strafford, 94.

Place *for Trial of the Earl of* Strafford *agreed by both Houſes*, 28.

Plague *in* London, 463. *Orders to prevent its ſpreading*, 478.

Plate, *a Motion that it be brought in and coin'd*, 259.

Plymouth-*Bill paſt*, 410.

Plot *againſt Mr.* Pym *by way of Plaiſter*, 496. *of one* Beal *a Taylor*, 646. *Plot in Army*, 653. *againſt the Houſe of Commons*, 836. *againſt ſome Lords*, 843.

Pluralities, *a Bill againſt them*, 257, *a Proviſo for Chaplains*, &c. 496.

Poll-*Bill, the Rates*, 293. *a Record concerning it*, 324. *paſt the Houſe of Lords*, 325.

and the King, 327.

Poll-*Money, an Order concerning it*, 458.

Captain Pollard *committed on ſuſpition of Treaſon*, 288. *bailed*, 324. *voted to have his Pay*, 477. *voted guilty of Miſpriſion of Treaſon and expell'd the Houſe of Commons*, 725.

Earl of Portland'*s Defence againſt the Commons, who would remove him from his Government of the Iſle of* Wight, 655.

Ports *ordered to be ſtopt*, 232.

Portſmouth-*Garriſon, Money ordered for it*, 449. *Order of the Houſe of Commons for its ſecurity*, 845.

Marmaduke Potter, *a Witneſs againſt the Earl of* Strafford, 54.

Sir Herbert Price *ſent to the Tower for bringing in Candles, without Order*, 272. *diſcharged*, 288.

Prieſt *of the* Venetian *Ambaſſador Impriſoned*, 394. *Prieſts and Jeſuites ordered to be Apprehended*, 647. *Prieſts Condemn'd interceded for by the* French *Ambaſſador*, 719, 731. *Vote of the Houſe of Commons that they be Executed*, 732, 740.

Prince, *ſee* Charles.

Printer *Impriſon'd for an Elegy on the Earl of* Strafford, 246. *bailed*, 324. Printing *of the Orders of the Houſe of Commons when firſt*, 390.

Priviledge *broken by giving the Lye to a Peer*, 380. *by the Kings Speech*, 739. *and by his coming to the Houſe of Commons to demand the 5 Members*, 822.

Proclamation *of the Earl of* Strafford *concerning the Importation and Sale of Tobacco*, 66. Proclamation *to bring in Mr.* Percy, *&c.* 233. *for disbanding the Horſe*, 429. *for eſtabliſhing Religion*, 730. *for abſent Members to attend*, 736. *againſt Tumults*, 786. *for ſuppreſſing the* Iriſh *Rebellion*, 809. Proclamation *of the Lords Juſtices of* Ireland *for ſtopping the Rebellion*, 522. *for ſatisfaction of the Lords and Gentlemen of the* Engliſh *Parliament*, 631. *for ſtrangers to depart* Dublin, 637, 638. *againſt the Calumny of the Rebels acting by the Kings Commiſſion* 638. *forbidding Soldiers to return to* England, 918.

Propoſition *concerning Eccleſiaſtical Affairs preſented to the Houſe of Commons*, 301. *ten Propoſitions of the Houſe of Commons to be preſented to the King upon his going for* Scotland, 310. *debated*, 317, 373. *five new heads added*, 394. Propoſitions *of the* Scots *Commiſſioners, and the Anſwer of the* Engliſh *Commiſſioners for concluding the Peace*, 421. *of the Houſe of Commons to the* Scots *Commiſſioners for the Kings ſtay Fourteen days*, 433. *of the* French *Ambaſſador for Soldiers*, 436. *of the* Scots *Commiſſioners upon the difficulties of marching their Army home*, 438. *of the Houſe of Commons to the Houſe of Lords about the* Iriſh *Rebellion*, 524. *ſeveral invidious Propoſitions of the Houſe of Commons at a Conference*, 737. *Propoſitions of the* Scots *Commiſſioners about aſſiſtance for* Ireland, 742, 762, 778, 782, 799. *of the Houſe of Commons about the* Iriſh *Parliament*, 768. *of the Houſe of Lords to the Houſe of Commons about the* Scotch *aſſiſtance for* Ireland, 768. *briskly anſwer'd by the Houſe of Commons*, 771.

Protections *complained of by the Londoners*, 509, 646. *Votes of the Committee upon it*, 510. *Caſe of Mr.* Benſon *about it*, 595. *Votes about it*, 596.

Proteſtation *of Secreſie required by the Houſe of Commons of their Members*, 11. *a* Proteſtation *ordered to be printed and ſent into all Counties*, 229. *Directions for taking it*, ibid. *taken by ſome Recuſant Lords*, 237. *Jeſuitically explain'd by the Presbyterian Commons*, 241. *A Bill for impoſing it rejected by the Houſe of Lords*, 414. *impoſed on the* Tower *Guards*, 466. Proteſtation *of ſix Lords againſt publiſhing the Order about Tumults*, 483. *of both Houſes concerning the breach of Privilege by the Kings Speech*, 750. *of divers Lords againſt putting off the Debate of the* Tower, 779. *of the Biſhops*, 794. *of the Lords diſſenting to the Vote about the Lieutenant of the* Tower, 882. *of the* Iriſh *Parliament againſt the Rebellion*, 898.

Pryn, *ordered to be reſtored to* Lincolns-Inn, 251.

Public Faith, *a Bill for it*, 437.

Pury, *an Alderman of* Gloceſter, *his Speech againſt Deans and Chapters*, 289.

Sir Robert Pye *a Witneſs againſt the Earl of* Strafford, 39.

Pym *moves for a Grand Committee about* Iriſh *Affairs*, 5. *one of the Committee to prepare a charge againſt the Earl of* Strafford, 7. *impeaches him in the Houſe of Lords*, ibid. *delivers the Articles againſt him*, 8. *his Speech upon that occaſion*, 9. *carries up Articles of further Impeachment*, 11. *appointed a manager of Evidence againſt him*, 29. *his Speech at the Trial* 30. *his Reply to the Earl of* Strafford'*s defence*, 47. *his Speech at ſumming up the Evidence*, 145. *his Speeches ordered to be Printed*, 237. *Order to ſtop a Suit againſt him*, 393. *his Report of what had been done during the Receſs*, 488. *a Plot againſt*

againſt him, 496. *his Speech at the Conference for excluding the Biſhops from voting in the caſe of the thirteen Impeach'd*, 500. *his Speech concerning evil Councellors*, 619. *Impeached of High-Treaſon*, 811.

Q

Quærie's *put to the Judges about matters in Parliament*, 374. *Quaries propoſed by the* Iriſh *Parliament to the Judges there*, 572, 575, 584.
Queen *preſent at the Trial of the Earl of* Strafford, 29. *a Conference about her Journey to the Spaw*, 390. *Reaſons againſt it*, 391. *a Meſſage to her about it*, 392. *her anſwer*, 393. *her Meſſage to the Houſe of Commons about it*, 405. *anſwer to their thanks*, 406. *her anſwer about the Capuchins*, 448. *complemented by the Commiſſioners of both Houſes for* Scotland. 452. *her Anſwer*, 456. *Meſſage to her about the Prince*, 597. *her Anſwer*, ibid. *her Anſwer concerning Fa.* Philips, 605. *Information of a deſign to ſeize her, &c.* 781.
Queen *Mother, a Conference of both Houſes about her*, 237, 247. *Tumults about her*, ibid. *a Meſſage concerning her*, 329.
Mr. Quelch *Miniſter of St.* Bennet *Grace-Church inform'd againſt by Alderman* Penington, 776. *bailed*, 884.
Grand Queſtion *concerning Biſhops Votes in Capital cauſes, an Abſtract of it*, 503.

R.

Rabble *Tumult about the Spaniſh Embaſſadors houſe*, 187. *ſtop the Lord High Steward* 188. *poſt up the conſcientious Members under the name of Straffordians*, Ibid. *They Petition againſt him*, 189.
Raby, *the Title of Baron of it conferred on Sir* Tho. Wentworth, 3.
Sir George Radcliff *impeach'd by the Houſe of Commons*, 8. *has liberty to take the Air*, 412. *his Petition to the Houſe of Lords*, 464. *Articles againſt him by the Houſe of Commons, of* Ireland, 570.
Rails *about the Communion Table pull'd down by the Sectaries*, 271, 322, 389. *trouble about them*, 491.
Railton, *a Witneſs for the Earl of* Strafford, 54.
Lord Ranulagh *a Witneſs in the Caſe of the Earl of* Strafford, 36, 57, 59, 83. 70, 71.
Rebellion, *ſee* Iriſh.
Reaſons *of the Lords for Biſhops voting in Parliament*, 259. *anſwered by the Houſe of Commons*, 260. *Reaſons againſt the Queens Journey to the* Spaw, 391. *againſt the King's Journey to* Scotland, 430. *of the Houſe of Commons for ſitting on the Lord's Day*, 436. *of the King for not ſigning the Commiſſion ſent into* Scotland, 469. *of the Houſe of Commons, for ſecuring* Popiſh *Recuſants*, 654. *of the ſame for removing the Earl of* Portland *from the Government of the Iſle of* Wight, 655. *for forming the Cavalres into Regiments*, 685. *for continuing the Guards*, 687. *againſt the Biſhops Demurrer*, 715.
Rebels *in* Ireland, *the Names of the principal*, 888. *defeat the* Engliſh *Relief for* Tredagh, 904. *are repell'd by Sir* Arthur Syringham, 905. *and diſlodged at* Finglaſs *by the Earl of* Ormond, 918.
Receſs *of the Parliament debated*, 463. *agreed*, 464. *Committee of Lords for that time*, 484. *of the Commons*, 486. *Report of what was done during the time*, 488.
Record *relating to the Poll-Bill*, 324.
Recorder *of* London *his Speech to the King at his return from* Scotland, 675. *Knighted*, 676.
Recuſant *Lords ſome take the Proteſtation*, 237.
Recuſants *voted to be diſarmed*, 450, 457, 469. *an Ordinance for it*, 470. *and Inſtructions to Commiſſioners for it*, 473. *Lords and Commons agree to put the Laws in execution againſt them*, 615. *an Order for it*, 653. *a Liſt of the prime Recuſants deſired by the Houſe of Commons to be ſecured*, 662. *debated by the Houſe of Lords*, 667.
Regiment *of Horſe and Foot, the Charge of each*, 642.
Remonſtrance *from* Ireland, 36, 56. *of the* Iriſh *Rebels*, 555. *of the State of the Kingdom by the Houſe of Commons*; *ſee* Declaration.
Requeſts, *ſee* Court.
Reward *voted to* Connelly *for diſcovering the* Iriſh *Rebellion*, 524. 609.
Sir Edward Rhodes, *a Witneſs for the Earl of* Strafford, 95.
Cardinal Richelieu *charg'd with fomenting the* Iriſh *Rebellion*, 897.
Duke of Richmond *introduced into the Houſe of Lords*, 436.
Lord Roche *a Witneſs againſt the Earl of* Strafford, 74. *one* Roche *his Letter intercepted*, 896.
Root *and Branch Bill*, 248, 257.
Roſetti *the Popes Nuntio departs the Realm*, 328.
Sir Benjamin Rudyard *his Speech about Epiſcopacy*, 249, 298. *about the* Palatinate, 328,

328, 379. *againſt ſuffering either the* French *or* Spaniſh *to have the Diſbanded Souldiers*, 465.

Rutland *Petition for Epiſcopacy*, 656.

S.

LOord Saint John *of* Bletſo *introduced into the Houſe of Lords*, 244.

Saint John *one of the Commiſſioners to prepare the Charge againſt the Earl of* Strafford, 7. *appointed a Manager of Evidence againſt him*, 29. *his Argument for paſſing the Bill of Attainder againſt the Earl of* Strafford, 162. *one of the Committee to Expedite the Charge againſt the Arch-Biſhop of* Canterbury, 265. *his Speech at the Conference for Excluding the Biſhops Votes in the Caſe of the thirteen Impeach'd*, 501.

Earl of Salisbury *made Lord Lieutenant of* Dorſetſhire, 236. *has leave to follow ſome buſineſs in the Houſe of Commons*, 761.

Robert Salmon *a Schoolmaſter, a Witneſs againſt the Earl of* Strafford, 78.

Salvo *entred by the Biſhops*, 231. *by the Lords*, 325. *for the Judges of the Court of* York, 388.

Sandeland *a Clergy-man releas'd*, 244.

Mr. Savil *a Witneſs againſt the Earl of* Strafford, 69.

Lord Say *made Mr. of the Court of Wards*, 246. *his Speech againſt Biſhops Votes*, 266.

Scotch *Invaſion how Chargeable to* England, 426. *that they were Invited hither*, 427. Scotch *Rebels by Order of both Houſes declared faithful Subjects*, 467. *their Commiſſioners complain of delays in the Treaty for* Ireland, 761.

Seamen, *a Bill for Preſſing them read*, 236, 237. 777, 797. *paſt*, 861.

Search *for Arms at* Lambeth, 236. *about the Parliament Houſe*, 846. *for Arms at ſeveral Places*, 847, 848, 859.

Secreſie *required of Perſons concern'd in Examinations againſt the Earl of* Strafford, 11. *and in the Examinations about the Conſpiracy in the Army*, 232. *ſtrange Secreſie of the* Iriſh *Conſpirators*, 632.

Mr. Seldon *appointed to aſſiſt at the Examination of Witneſſes againſt the Earl of* Strafford, 11. *oppoſes the Bill of Attainder againſt him*, 152. *one of the Committee to Expedite the Charge againſt the Arch-Biſhop of* Canterbury, 265.

Sermons *ordered to be in the Afternoon in Cathedrals*, 288. *and in all Parochial Churches*, 383.

William Shales *accuſer of Mr.* Henry Bedingfield, 662.

Sheldons *Seized upon account of* Beal's *Plot*, 648. *acquitted*, 686.

Shepherd, *a Rioter releas'd*, 328.

Ship-money *in Sheriffs hands ordered to be return'd*, 264. *a Bill againſt it*, 294. 412. *Opinion of the Judges in the Caſe*, 338.

Sheriff *of* London, *a Controverſie about the Election of one*, 318, 319. 407. 409. *referred*, 413. 445. *determin'd* pro hac vice, 456. *Petition of the Lord Mayor upon it*, 459.

Siſters *reliev'd by order of the Houſe of Lords about a Brother*, 367.

Shippon *ordered to command the Guard of the Houſe of Commons*, 833. *has the thanks of the Houſe*, 838. *ordered to ſend Scouts by Land and Water*, 859.

Slingsby, *a Witneſs for the Earl of* Strafford, 54. 56. 86.

Small, *a Miniſter, a Vote in favour of him*, 446.

Smart *that Articled againſt Biſhop* Coſins *rewarded*, 406.

Sir Robert Smith, *a Witneſs againſt the Earl of* Strafford, 74.

Mr. Smith *a Miniſter Committed to the* Gate-Houſe *for words againſt the Parliament*, 244. *one* Smith's *Caſe*, 716.

Smith *a Suſpended Miniſter, a Vote in his Favour*, 319.

Soap *buſineſs, Votes about it*, 512. *Delinquents concerning it ſent for by a Serjeant at Arms*, 513.

Souldiers *Mutinous for want of Pay*, 269. *Transportation of Souldiers, a Conference about it*, 477, 479. *an Ordinance againſt it*, 481. *a Vote that Disbanded Souldiers may go beyond Sea*, 495. *a Bill for Preſſing*, 740.

Somerſetſhire *Petition for Epiſcopacy*, 726.

Earl of Southampton *queſtion'd for Words*, 846.

Spaniſh *Ambaſſador's Houſe beſet by the Rout*, 187.

Speaker *of the Houſe of Commons his Letter to Sir* Jacob Aſhley, 228. *his Letter to the Army*, 235. *Speaker of the Houſe of Lords, their Vote about the choice of him*, 438.

Speech *of the King to both Houſes concerning the Earl of* Strafford, 186. *in anſwer to the Speaker upon paſſing the Bill for Tonnage and Poundage*, 380. *at paſſing the Bill againſt Stare-Chamber and High-Commiſſion Courts*, 327. *to the* Scotch *Parliament*, 453. *in anſwer to the Recorder of* London *at his return from* Scotland, 676. *to both Houſes upon the ſame*, 780. *to the ſame concerning* Ireland,

land, 738. *to the Houſe of Commons at his demanding the five Members*, 820.

Speech of Mr. Pym *after reading the Articles againſt the Earl of* Strafford, 9. *of the ſame at his Tryal*, 30. *of the Earl of* Strafford *in defence of his Preamble*, 40 to 47. *of* Pym *in Anſwer to it*, 47. *of* Maynard *upon the firſt Article againſt the Earl of* Strafford, 48. *of the Earl of* Strafford *upon Summing up the Evidence againſt him*, 104 *to* 123. *of* Glyn *upon the ſame*, 124 *to* 145. *of* Pym *upon the ſame*, 145 *to* 152. *of the Lord* Digby *upon paſſing the Bill of Attainder*, 157. *of the Earl of* Strafford *upon the Scaffold*, 199. *of* William Thomas *againſt the Biſhops*, 211 *to* 226. *of Sir* Edward Deering, *upon the Bill for Abolition of Epiſcopacy*, 248. *about Epiſcopal Government*, 295. *concerning the Communion-Table*, 493. *concerning bowing at the Name* Jeſus, 610. *about the Declaration of the State of the Kingdom*, 664, 668. *of Sir* Benjamin Rudyard *upon the Bill for Abolition of Epiſcopacy*, 249. *about Biſhops, Deans and Chapters*, 298. *about the* Palatinate, 379. *againſt parting with the Disbanded Soldiers*, 465. *two Speeches of the Lord* Newark *concerning Biſhops*, 251. *of the Lord* Say *againſt Biſhops Votes*, 266. *of Sir* Henry Vane *againſt Epiſcopal Government*, 276. *of* William Thomas *againſt Deans and Chapters*, 282. *of Mr.* Pury *againſt the ſame*, 289. *of the Speaker of the Houſe of Commons to the King at paſſing the Bill for Tonnage and Poundage*, 307, 706. *and of the Bill for Poll-money*, 326. *of Sir* Simon D'ewes *about the Poll-Bill*, 322. *of Sir* William Parkins *againſt Biſhop* Wren, 330. *of Sir* William Pierrepoint *at the Impeachment of Sir* Robert Berkley, 332. *of Mr.* Hide *at delivering the Articles againſt the Lord Chief Baron*, &c. 343. *of Mr.* Waller *at the Impeachment of Mr. Juſtice* Crawley, 349. *of Mr. Hollis in behalf of Sir* Randal Crew, 365. *about the* Palatinate, 378. *in juſtification of the Votes for taking the Proteſtation*, 416. *of Sir* Simon D'ewes *about the* Palatinate, 368. *of Sir* Thomas Widdrington *at delivering the Articles againſt the Biſhop of* Ely, 395. *of* Pym *at a Conference about Excluding the Biſhops Votes in the caſe of the thirteen impeached*, 500. *of Mr.* St. John *about the ſame*, 501. *of* Audley Mervin *at exhibiting Articles of Treaſon againſt Sir* Richard Bolton, 556. *of* Pym, *againſt Evil-Councellors*, 619. *of the Recorder of* London *to the King, upon his return from* Scotland, 675. *of the Lord* Kimbolton *at his Impeachment*, 815. *of* Hamden *at his*, 817. *of Mr.* Grimſtone *concerning breach of Priviledge*, 825. *of* Glyn *about the ſame*, 827. *of the Earl of* Monmouth *about fears*, 849. *of Sir* Philip Stapleton *concerning the Lord* Digby *and Collonel* Lunsford, 870. *of Mr.* White *againſt the Biſhops*, 885. *formal* Speeches *declared unparliamentary by the Houſe of Lords*, 265.

Stanneries, *ſee* Court.

Sir Philip Stapleton, *a Witneſs in the caſe of the Earl of* Strafford, 92.

Statute of 11. *H.* 7. cited, 97.

Star-Chamber, *a Bill for taking it away*, 258, 324. *paſt*, 271, 327. *a Meſſage about the Officers of it*, 368. *a Report about them*, 389.

Earl of Strafford *a ſhort account of his riſe*, 2, 3, 4. *inveigh'd againſt in Parliament, by Sir* John Clotworthy, 5. *adviſed to withdraw*, 6. *Impeach'd by the Commons*, 7. *taken into Cuſtody*, 8. *ſent to the* Tower, 10. *his Anſwer to the Impeachment*, 20, *to* 27, *brought to his Tryal*, 29. *his ſeveral Defences, ſee* Defence; *taken with a fit of the Stone*, 100. *Bill of Attainder againſt him*, 103. *paſt by the King*, 195. *he Petitions for his Children*, 196. *his carriage at his Death*, 198. *his Speech upon the Scaffold*, 199. *Epitaphs upon him*, 204, 205. *his Wife and Children interceeded for by the Houſe of Lords*, 237. *his Death of what miſerable conſequence to* Ireland, 537.

Lord Strange *his Letter of dangers in* Lancaſhire, 650.

Strangers *by Proclamation commanded to depart* Dublin *and the Suburbs*, 637.

Sir John Strangeways *his motion againſt Tumults ſlighted*, 259.

Sir Robert Strickland *a Witneſs in the caſe of the Earl of* Strafford, 93.

Strode *one of the Commitee to prepare a Charge againſt the Earl of* Strafford, 7. *impeach'd of High-Treaſon*, 811.

Subſidies *ſix, the Bill for them paſt*, 243 *Subſidies granted by the Clergy*, 391.

Summary *of Evidence againſt the Earl of* Strafford, 104.

Superinduction *to a Rectory, a Caſe upon it*, 511.

T.

Collonel Taaf *committed by the Houſe of Commons*, 785.

Mr. Taylor *an honeſt Burgeſs of* Windſor *expell'd the Houſe, and committed to the* Tower, 257. *diſcharged*, 286.

Sir John Temple *his Letter from* Ireland, 371.

Term *abbreviated* 238.

Thanks ordered to the Queen by the Houſe of Commons, 405. *to the Earl of* Briſtol *by the Houſe of Lords*, 430. *to the Lord General by the ſame*, 496. *to* Calamy *and* Marſhal *by the Houſe of Commons*, 775. *by the ſame to the Train'd Bands, Sheriffs and Major* Skippon, 838. *to the Inhabitants of* Bucks, 884. *to the* Scots *Commiſſioners*, 887.

William Thomas *his long Speech againſt the Biſhops*, 211, *to* 226. *another Speech againſt Deans and Chapters*, 282.

Thorp *a Witneſs againſt the Earl of* Strafford, 53.

Tobacco, *two Proclamations of the Earl of* Strafford *about the Sale of it*, 66.

Toleration *of the Popiſh Religion in* Ireland, *Votes and Debates about it*, 737, 754.

Tonnage *and Poundage, a Bill for it*, 257. 294, 308, 381, 383, 447, 687, 708.

Tower *of* London, *a Conference about the Lieutenant there*, 773, 778, *Order of the Houſe of Commons about it*, 775. *their Declaration upon it*, 778.

The Conſtable deſired by the Houſe of Commons to reſide there, 780. *a Meſſage to the Houſe of Lords about it*, 835, 844.

Trained Bands *raiſed to guard the Parliament*, 492. *thoſe of* Weſtminſter *their Petition to the Houſe of Commons*, 839.

Earl of Traquair, *a Witneſs in the caſe of the Earl of* Strafford, 82.

Treaty *between the Lords*, &c. *of the* Pale *and the* Ulſter *Rebels*, 907. *with the* Iriſh *Rebels propoſed*, 917.

Tredagh *opportunely garriſon'd*, 636. *Relief for it unfortunately defeated*, 905.

Mr. Baron Trevor *impeach'd by the Houſe of Commons*, 343. *Articles againſt him*, 352. *Mr.* Trevor *ordered to be of Council for the Biſhops*, 648.

Tryal *of the Earl of* Strafford *the manner agreed by both Houſes*, 36.

Tumult *about the* Spaniſh *Ambaſſadors Houſe*, 187. *another on a ridiculous occaſion*, 192. *a Conference about them*, 245. *Order of the Lords about them*, 246. *Tumults about the Queen Mother*, 247. *diſturb people at the Communion*, 271. *Order about them*, 275, 291, 393, 395. *Tumults about the* French *Ambaſſador*, 468. *Order about them*, 476, 603, 692, 856. *Judges report the Statutes in force againſt them*, 709. *But they are favour'd by the Houſe of Commons*, 709. *diſavow'd by the Common-Council of* London, 712. 803. *more Tumults*, 781, 788, 789, 792. *a Committee of the Lords to conſider upon them*, 781. *ſtill favour'd by the Factious Commons*, 784, 790, 792, 838. *a Proclamation againſt them*, 786. *Meſſage from the Houſe of Commons about them*, 789. *Tumultuary Petitioning encouraged, by the Houſe of Commons*, 735.

Sir Arthur Tyrringham *a Witneſs for the Earl of* Strafford, *repels the* Iriſh *Rebels at* Liſnegarves, 906.

V.

Sir Henry Vane *Enemy to the Earl of* Strafford, *and why*, 3. *a Witneſs againſt him*, 82, 83, 84. *his Speech againſt Epiſcopal Government*, 276. *his Letter to the Lords Juſtices of* Ireland, 565.

Sir Henry Vane *junior produces a Paper pernicious to the Earl of* Strafford, 103. *an Account of it*, 208.

Captain Ven *a godly Complainant*, 496.

Venetian *Ambaſſador, a Prieſt of his Retinue impriſon'd*, 394. *he complains of the breaking open his Pacquet*, 640. *Anſwer of the Houſe of Lords*, 1641. *his reception of it*, 643. *a Meſſage from him*, 655.

Vintners *Caſe againſt Alderman* Abel *and* Kilvert, 256.

Voluntiers *come in for* Ireland, 772. *Meſſage from the King about them*, 787, 789, 793.

Votes *of both Houſes concerning the* Iriſh *Affairs*, 600, 642, 643, 729, 755, 762, 772, 778, 791. *concerning Breach of Priviledge*, 741.

Votes *of the Houſe of Lords upon debating the Bill concerning the Biſhops*, 255. *againſt the New Canons*, &c. 285. *concerning the Council at* York, 388. *about the Impeachment of the Biſhops*, 448. *concerning the Commons Declaration*, 483.

Votes *of the Houſe of Commons after the hearing of the Earl of* Strafford, 152. *upon the Bill of Attainder*, 157. *in favour of* Lilburn, 211. *againſt Mr.* Finch *Vicar of Chriſt-Church*, London, 233. *Mr.* Aſhton *Vicar of* Painſwick, 238. *Dr.* Uty *Rector of* Chigwel, 246. *the* Scots *deſire of Uniformity in Religion between the two Kingdoms*, 246. Walker *a Factious Preacher*, 250. *Captives at* Algiers, 254. *in favour of the* Scots, 255. *about the Cuſtomers*, 258. *Collonel* Goring, 272. *the Council-Board*, 324. *one* Faunt, 324. *Biſhop* Wren, 330. *Priviledge*

viledge in the Caſe of Hollis, 331, 373. *the* Palatinate, 373. *Ambaſſadors entertaining Prieſts Natives of* England, 373. *Bill for aboliſhing Epiſcopacy*, 380. *Papiſts*, ibid. *the Manifeſto*, 386. *Lord* Digby'*s Speech*, 389. *the Conſpiracy to ſeduce the Army*, 407, 408. *a Vice-Roy in the Kings abſence*, 412. *taking the Proteſtation and Impeaching the Biſhops*, 415. *Commiſſioners to be ſent into* Scotland, 439. *one* Small *a Miniſter*, 446. *one* Cooper, 454. London-Derry, 461. *diſbanded Souldiers*, 466, 495. *Communion-Table*, 475. *their Declaration*, 483. *the Soap buſineſs*, 512. *ſelling Protections*, 596. *Collonel* Lunsford, 780. *Earl of* Briſtol, 793. *the Biſhops their Petition and Proteſtation*, 796. *Sealing of ſome Trunks*, &c. 813. *a Committee at Guild-Hall*, 823. *the Lieutenant of the* Tower, 846. *the Attorney General*, 874.

Vox Populi, *a Libel againſt Biſhops and Common-Prayer*, 807.

Arch Biſhop Uſher *preſent with the Earl of* Strafford *at his Death*, 198. *an Abſtract of his opinion of the Apoſtolical Inſtitution of Epiſcopacy*, 279. *ordered to Preach before the Houſe of Lords on the Faſt day for* Ireland, 754.

Dr. Uty *Voted a Scandalous Miniſter*, 246.

W.

WAde *a Witneſs againſt the Earl of* Strafford, 74.

Waferer *a Clergy-man in Cuſtody, releaſed*, 244.

Waldron *a Witneſs againſt the Earl of* Strafford, 58.

Walter *a Factious Preacher reſtor'd by the Houſe of Commons*, 250. Walker *a Phamphleteer againſt Biſhops ſent for*, 763.

Wall *a Door-keeper committed to the* Fleet, 650. *releaſed*, 655. *reſtored to his place*, 660.

Mr. Waller'*s Speech at the Impeachment of Juſtice* Crawley, 349.

Elias Walley *ſent for as a Delinquent*, 245.

P. Walſh *his Narrative of ſome matters moving the* Iriſh *to Rebel*, 557.

Sir Edward Warder *a Witneſs in the Caſe of the Earl of* Strafford, 39. *accuſed for a Conſpiracy to ſeduce the Army*, 232.

Warrant *from the King to the Earl of* Strafford *to make uſe of* 40000 l. *of the Treaſure*, 42. *of the Earl of* Strafford *to the Biſhop of* Down *concerning Contemners of Eccleſiaſtical Juriſdiction*, 63. *of Sir* William Peniman *to his Serjeant Major to raiſe Money*, 93. *of Sir* Edward Osborn *to Levy Money*, 98. *of the King to Sir* John Byron, *Lieutenant of the* Tower, 845.

Watch *ordered by the* Houſe *of Commons to be doubled*, 794.

Welch *Petition*, 317.

Sir Anth. Welden, *a Conjecture concerning him*, 838.

Welch *a Witneſs againſt the Earl of* Strafford, 70.

Chriſtopher Wendeford *Eſquire made Lord Deputy of* Ireland, 560. *dies*, 564.

Wentworth *ſee* Strafford.

Sir George Wentworth *a Witneſs for the Earl of* Strafford, 57. *preſent upon the Scaffold at the Execution of the Earl of* Strafford, 199.

Weſton *Lord Treaſurer his acquaintance with Sir* Thomas Wentworth, 3. *Mr. Baron* Weſton *impeached*, 343. *Articles againſt him*, 356.

Lord Wharton *a Witneſs in the Caſe of the Earl of* Strafford. 93.

Mr. Whitacre *ſent to the Tower for breach of Priviledge*, 374.

White *Chairman of the Committee for ſcandalous Miniſters*, 233, 238, 246. *one of the Committee to expedite the charge againſt the Arch-Biſhop of* Canterbury, 265. *his Speech againſt Biſhops*, 885.

Whitlock *ſent to the Lords by the* Houſe *of Commons to aver the accuſation of the Earl of* Strafford, 36. *one of the Committee to expedite the Charge againſt the Arch-Biſhop of* Canterbury, 265.

Sir Thomas Widdrington *carries up the Articles againſt the Biſhop of* Ely, 329. *his Speech at the delivery of them*, 395.

Sir William Widdrington *ſent to the Tower by the* Houſe *of Commons about Candles* 272. *diſcharged*, 288.

Wife *and Children relieved againſt a* Hus*band refuſing to Cohabit*, 381.

Iſle of Wight, *a motion of the* Houſe *of Commons that it be put into ſafer hands*, 524, 608, 650. *their reaſons*, 655.

Biſhop Williams *a Witneſs againſt the Earl of* Strafford, 89. Wi. Williams *called to anſwer breach of Priviledge, bailed*, 377.

Mr. Williamſon *in Cuſtody for a Sermon, bail'd*, 780.

Sir Francis Willoughby *Governor of* Dublin *Caſtle*. 628.

Lord Wilmot *a Witneſs for the Earl of* Strafford, 60.

Commiſſary Wilmot *ſent to the Tower on ſuſpition of Treaſon*, 288. *bail'd*, 377. *voted guilty of Miſpriſion of Treaſon and expell'd the* Houſe, 725.

Marqueſs

THE TABLE.

Marqueſs of Winton, *an Information of Arms in his Houſe,* 453. *has leave to ſell them,* 600.

Biſhop of Winton *diſclaims the Petition and Proteſtation of the Biſhops,* 799.

Sir Thomas Wiſeman *a Witneſs againſt the Earl of* Strafford, 89.

Wiſhert's *information that Cardinal* Richelieu *fomented the* Iriſh-*Rebellion,* 897.

Witneſſes examined againſt the Earl of Strafford, 11, 35, 36, 53.

Toby Wood *Committed to* Newgate *for Treaſonable words,* 817.

Lady Wotton *a Recuſant Peereſs, an Order about her,* 420, 457.

Sir John Wray *ſmells Gun-powder,* 192.

Biſhop Wren *Articled againſt,* 329. *the Articles,* 298, *releas'd of Tenths upon the Poll-Bill,* 780.

Writts of Error, an Order about them, 272.

FINIS.